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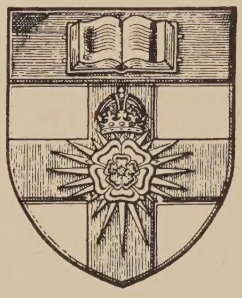

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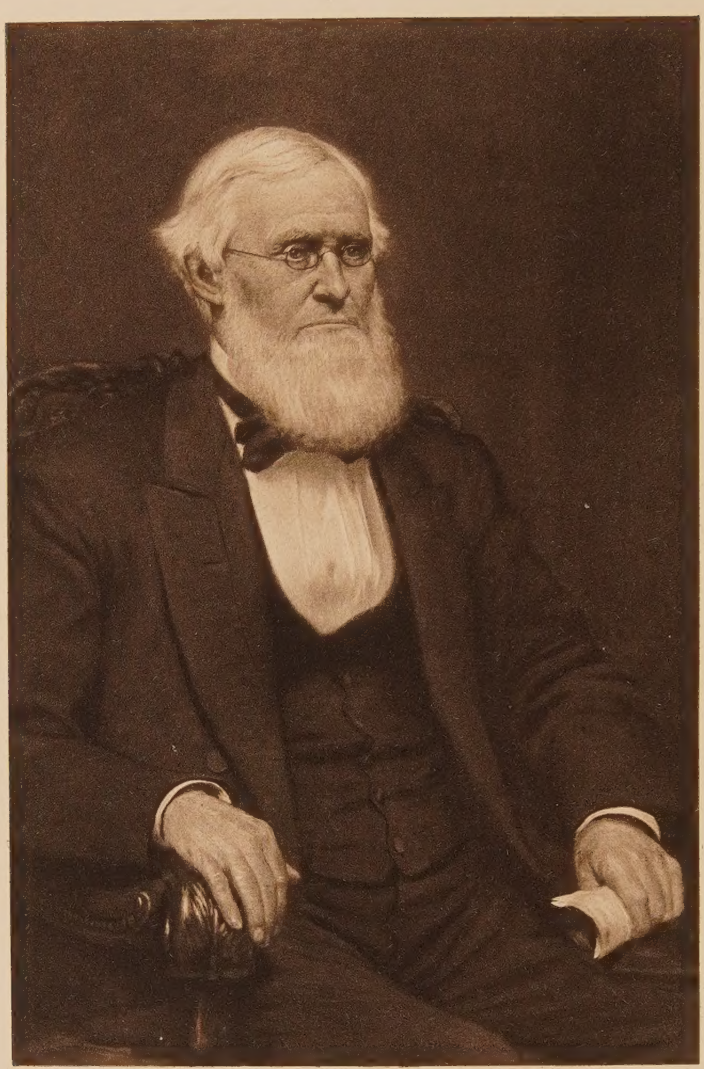

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# Massachusetts Historical Society

Founded 1791

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OCTOBER, 1911—JUNE, 1912

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## MEMBERS DECEASED,

July, 1911 — June, 1912.

---

*Resident.*

| | | |
|---|---|---|
| 1878, Gamaliel Bradford | Aug. | 20, 1911. |
| 1879, Henry Williamson Haynes | Feb. | 16, 1912. |
| 1886, William Watson Goodwin | June | 16, 1912. |
| 1899, Edward Henry Hall | Feb. | 22, 1912. |

*Corresponding.*

| | | |
|---|---|---|
| 1875, John Bigelow | Dec. | 19, 1911. |
| 1880, Sir James MacPherson LeMoine | Feb. | 5, 1912. |
| 1896, William Babcock Weeden | March | 28, 1912. |

# PROCEEDINGS

OF THE

# MASSACHUSETTS HISTORICAL SOCIETY.

---

## OCTOBER MEETING, 1911.

THE stated meeting was held on Wednesday, the 11th instant, at three o'clock, P. M.; the PRESIDENT in the chair.

The record of the last meeting was read and approved; and the Librarian reported the list of donors to the Library since the June meeting.

The Cabinet-Keeper reported the gift of a photograph of Rev. Joseph Jackson, minister of the First Parish in Brookline from 1760 to 1796, from a portrait by Copley, given by his great-granddaughter Miss Elizabeth Bowen Brown; also the purchase by the Society of eighty bronze medals — including the presidential series — from the United States mint. He called attention to an old chair, given by Mr. Hathorne of Salem, in July, 1793, which had recently been repaired.

The Corresponding Secretary reported the receipt of letters from Richard H. Dana, accepting his election as a Resident Member, and from William Milligan Sloane as a Corresponding Member.

The Editor reported the gifts, by Alexander P. Browne, of a number of manuscript sermons of Samuel Wigglesworth, physician and preacher at Malden, Massachusetts; by Miss Lucia A. Dow, of Milton, through Mr. Shaw, of an original deed of pew number 48, in Kings Chapel, in the name of Dorothy Wharton; by Mr. Wendell, of two manuscripts, one being a brief journal of a journey from Dover, New Hampshire, to Piggwacket, and a curious watermark, intended to

represent the seal of Massachusetts; by Ellis B. Usher, of Milwaukee, Wisconsin, of a typewritten copy of the recollections of Samuel Dwight Partridge (1806–1893), who came from Hatfield, Massachusetts, and died in Milwaukee.

George Foot Moore, of Cambridge, was elected a Resident Member of the Society.

The President then said:

When, on the second Thursday of June, the Society held its last meeting prior to the usual summer adjournment, there were 98 names upon its Resident roll. One name was added to the list at that meeting and during the intervening months two deaths have occurred.

Samuel Lothrop Thorndike, elected a Resident Member at the December meeting of 1901, died at his summer home in Weston on June 18, ten days after the meeting referred to, at which he was present.

Although elected only ten years ago, at the time of his death Mr. Thorndike stood fiftieth on the roll of membership. Born at Beverly in December, 1829, at the time of his election he was approaching the close of his seventy-second year. Naturally, therefore, becoming a member so late in life, his activities in connection with the Society were limited. Nevertheless, made a member of the Council at the annual meeting of 1903, he served upon it two years. Subsequently a member of the House Committee, he acted as such for a further term of two years. In 1906 he was appointed auditor of the Treasurer's accounts. During the first four years of his membership, and up to December, 1905, he was present at nearly every one of our meetings; but of the remaining fifty-four meetings held before his death he attended only nine. A steadily increasing impairment of hearing in a measure precluded him. In 1902 he paid a tribute to his classmate and life-long friend, James B. Thayer, when the death of the latter was announced; and he was appointed to prepare memoirs both of him and of the late John Fiske. Neither of these has been filed, nor, so far as is known, was the preparation of either begun. They have now been elsewhere assigned.

A graduate of the Harvard class of 1852, Mr. Thorndike had outlived his immediate associates in the Society, and there

is no one here who can speak of him with close personal knowledge. I shall, therefore, not call for the tribute, or characterization, usual on these occasions. Graduated in the very year in which the class of which I was a member entered Harvard, I had no acquaintance whatever, even by reputation, with Mr. Thorndike as a student. I recall him, however, distinctly during the years which succeeded graduation. In accordance with a practice then already not unusual, Mr. Thorndike emphasized graduation by foreign travel. In fact he did not even wait for his commencement-day, but in the January preceding started in company with his intimate college friend and classmate, W. Sturgis Hooper, on a sailing-ship round-the-world voyage. Returning from this experience, one hardly practicable now, he entered the Harvard Law School, and settled down to a study of the profession. Finally, he was a student in the office of Sidney Bartlett. Subsequently devoting himself to his calling, although his and my relations were always friendly and such as are apt to be maintained between men who were, practically, in college at the same period, — that is, in our case, during the administration of President Walker, — I came but little in contact with him; less, indeed, than I would have wished.

Mr. Thorndike was a man of a very distinct personality, and an engaging personality. He was essentially what Dr. Johnson defined as a "clubable" man, — that is, his well-developed natural social instincts were allowed free play. Entertaining and companionable, he had engaging manners, with a keen sense of humor. So, naturally, during college life, he was a deputy marshal of the Porcellian Club. Though a member of the bar, he was not what is known as an active practitioner or jury advocate. In fact, like so many others who take it up, though the law was his calling, to the law Mr. Thorndike had no particular call. He was far from being what is commonly known as a "hustler for business." Refined by nature, his aptitude was for music; and there is little in common between the jury-box and the orchestra. I am told that Mr. Thorndike did, in his earlier professional days, appear as of counsel in cases before the full bench, both in Massachusetts and at Washington; but I doubt if he ever presented a cause to a jury, nor could I possibly imagine him

browbeating a recalcitrant witness or bullying an opposing counsel of aggressive manners. He was a man of too fine a fibre for that sort of work; he could not have so coarsened his being. While, therefore, the law was his profession and a source of income to him, music was his calling and delight. Doubtless he felt far more at home and in his element while listening to an orchestra than when arguing in a court, even one of probate. The result naturally to be looked for under such conditions in due time followed. He devoted himself more and more to the promotion of music; and, incidentally as it were, was occupied with the management of properties. Trusteeship became the substance of his office life. On the other hand, deeply interested in societies like the Handel and Haydn, which by a natural educational process led up to the system of Symphony Concerts so identified with the later Boston musical development, he was, I am told, a frequent contributor to *Dwight's Journal of Music*, standing very close to its founder and editor. Never concerning himself to any marked degree in either politics or productive literature, he yet had a natural taste for historical topics local in character; and, though this trait never assumed any considerable or even definite shape, it was to it his election to our Society was due. An attractive personality, instinctively a gentleman in feeling as well as in bearing, Mr. Thorndike will be borne in fresh recollection by the few yet left who were fortunate enough to be his associates through a long and useful, though in no way eventful, life. A memoir of him, prepared by a member of his family, is herewith submitted and will find its regular place in our *Proceedings*.

Gamaliel Bradford, third of the name on our roll of membership, died as the result of a trolley-car accident, at Wellesley, on the 20th of August last. At the time of his death his name stood ninth in order of seniority, he having been elected a Resident Member at the April meeting of 1878. One of five of the Harvard class of 1849 members of the Society, at the time of his death Mr. Bradford was in his eighty-first year, Mr. Codman and Mr. Lothrop of the five surviving him. As I have said, he was the third of the name borne on our roll; the first Gamaliel Bradford, having been elected in 1797, died in March, 1824; the second, elected at the April meeting, 1825,

died in 1839. An interval of nearly forty years, therefore, elapsed between the death of the second Gamaliel and the election of the third. Graduating three years before Mr. Thorndike, I shall presently call upon his life-long friend, Mr. Codman, for a characterization. The preparation of a memoir will be assigned later.

So far as this Society is concerned, Mr. Bradford was until very recent years, when a growing deafness interfered with his participation, a constant attendant at our meetings. A man of marked individuality, he was also, as the printed reports of our *Proceedings* bear witness, an active and interested member. Never of the Council, he frequently participated in our discussions, and always with earnestness, speaking usually on subjects connected with government. In regard to those he held pronounced views; and with those views all acquainted with him could hardly fail to be familiar. A very insistent reformer, he is mentioned as having been present at no less than 144 of our meetings, the last being that of February, 1910.

Mr. CODMAN on being called upon, gave the following tribute:

As Gamaliel Bradford's classmate of the class of 1849 at Harvard College, and always his friend, I am glad to have the opportunity of saying a few words.

Others can tell better than myself something of the details of his activity and success in business, of which I know nothing except by report, though I am convinced, from my knowledge of the temperament and character of the man, that his ability, energy and industry would be quite as manifest, and perhaps more effective, in what is called business than in public affairs.

The problems of politics, even when their unravelling is undertaken by master minds, are, I think, much more difficult of solution than those of mere money-getting can ever be. Bradford, though he never held an office, was both a thinker and an actor in public affairs. No one, however, was less of a "politician," in the somewhat discreditable sense in which the word is now used. He was an independent thinker upon public affairs, and his ardent temperament never permitted him to refrain from the expression of his opinions. He was

quite unable merely to hold convictions and not to avow them. His voice was always ready to be heard; and his pen was always ready to register and set forth his opinions with ability, energy and fearlessness. He was an "independent" in the best sense of the word. Neither abuse nor ridicule had the power to move him in the open and persistent avowal of his opinions.

I recall him in his college days as a faithful student who graduated with high rank in his class — and it would have been yet higher, I believe, if he had not then, as always, given much of his time and thought to subjects which were no part of a college "curriculum," sixty years ago. There was a fine element of chivalry in his character. He was always ready to lead or to follow a "forlorn hope" in politics, however desperate might be the chances of success. This was never more marked than when, in 1896, he presented himself as an independent candidate for Governor of Massachusetts, with absolutely no apparent support; and this he did, as I know, not because he saw any prospect of being elected, but because he thought that his candidacy might incline his fellow-citizens at least to read and consider the independent views that he earnestly held in relation to certain methods of State government which he thought harmful and unsound. That he received some three thousand votes at the election, and this with no "machine" to help him, with no campaign managers or public meetings, and with no support in the press, would seem to indicate that he was not so Quixotic as even some of his friends thought him.

Bradford was a lineal descendant of Governor Bradford of the old Plymouth Colony. He must have been proud of such an ancestry, but he was absolutely free from any conceit on that account. With all his energy and positiveness there was never a touch of arrogance or bitterness in his speech or his writings, in public or in private life. He was eighty years old when he met the unhappy accident that cost him his life. I believe that his moral and intellectual force had not been diminished by old age. He did not live long enough to see his views prevail. The unpopular causes of "Anti-Imperialism" and of reform in the machinery of government may have made some advance, though their success may still seem far away.

In this Bradford has met the fate of many honest and

earnest reformers, who have not lived to see the success of ideas for which they strenuously contended and for which they were ready to make all needed sacrifices.

It was a striking peculiarity of Bradford's character that he never seemed desirous of becoming a rich man. The remarkable ability that he manifested when he was in business soon gave him what he considered a competency, and more than that he never seemed to desire. When that competency was acquired, he gave up business and money making, and devoted himself to the more congenial work of studying and expressing the great principles of sound finance and of clean and honest politics as he understood them, and this not merely for the gratification of his intellectual tendencies, but also, and chiefly, for what he believed to be for the welfare of his fellow-citizens.

It was eminently fitting that he should be a member of this Society. His name was historical, his integrity was absolute, and his speech was always strong and courteous and sincere. His name and memory well deserve a conspicuous place upon our records.

Professor CHANNING gave a summary account of the American customs revenue and expenditures, 1767–1777, based upon a statement prepared by Charles Steuart, cashier in the service, for the Treasury officials in England. This statement will be used in a volume of the Society's *Collections* on the subject of the customs administration in the British colonies in America.

The PRESIDENT read the following paper:

Whenever this Society is about to meet after what may be termed the summer's intermission I have almost regularly, since I have occupied this chair, found myself instinctively looking back over the months which have elapsed, and endeavoring to make up my mind whether, during those months, anything has anywhere occurred of what may be termed true historical importance, — that is, some event, either in this country or abroad, which will stand clearly out in the perspective of history. For, as Carlyle made Teufelsdröckh observe, in those months he who observingly looked might see "a living link in that Tissue of History, which inweaves

all Being: watch well, or it will be past thee, and seen no more."

As a rule, I have not deemed the results of the earlier of these intermission retrospections worthy of a place in our *Proceedings*. Nor, perhaps, should I now, but for the fact that, this meeting being held on a day of the week unusual with us, it occurred to me that matter suitable for the occasion might not be forthcoming; and, in such case, it would be well that something should be in reserve to fill out the conventional allotment of time. I have accordingly set down the result of my observations so far as the events since we last met are concerned; and, as nothing else appears to be forthcoming, I will now submit that result for what it may be worth.

I have alluded to the perspective of history. As we all know, that perspective produces results somewhat similar to those produced when an opera glass is reversed. Objects which at the time loom large, and occupy considerable place in the eye and mind, when the glass is reversed and they assume their proper proportions, are apt to be, if not wholly lost or forgotten, yet seen in distinctly different relations to things at large, — the general scheme of the universe. They usually, in fact, assume an insignificance and remoteness which at the passing moment would hardly have seemed probable, if indeed possible. Whoever chooses to recall the excitement and intensity of our political experiences and presidential campaigns has a realizing consciousness of this truism. A fifty years' retrospect, for instance, is ordinarily a great solvent.

Yet in the present case fifty years from the recess which we have just passed through would carry us back to events not likely to be forgotten by those at least who participated in them, or to be much reduced in proportion to other events by the further lapse of time. For it was the July of 1861 which witnessed the first really memorable event of our Civil War, after the firing on Sumter, to wit, what is known in history as the Battle of Bull Run, — an experience "writ large," as Milton would have expressed it, on our annals, — not less large than Braddock's defeat, a little over a century before. On the 8th of November, also, the day preceding our next regular meeting, occurred the famous Slidell-Mason incident, known as that of the steamer *Trent*, an episode which at the time produced,

as all now over sixty years of age cannot but recall, a frenzy of excitement, — a frenzy in which Americans now see little to take pride. As some here will remember, my father then represented the country at the court of St. James, and his diary entries and correspondence in connection with the *Trent* affair are not without historical value as well as interest. Should I be present at the coming November meeting, I think it not impossible, therefore, I may have something to say bearing on that event.

Going yet further back to what might be called century-perspective, we get to a period when both the world in general and the United States in particular were on the threshold of events than which none history has recorded were greater. It was in June, 1812, — ninety-nine years ago, — that war was declared between the United States and Great Britain, and during that same month Napoleon also declared war with Russia. It was during this month of October of the same year that Napoleon, amid the smoking ruins of Moscow, was vainly endeavoring to devise some scheme of extrication from the utterly impossible position — political, military and diplomatic — into which he had wantonly forced himself.

Bearing in mind these great historic events of the half century gone, and of the full century back, it is curious to consider whether anything has occurred during the last four months which is likely to be writ equally large in history, or in moment at all to approach them. It is safe to say that there is nothing either in dramatic interest or in historic importance in the record of the last three months at all approaching to either the Bull Run episode or the events which slowly yet surely led up to the military and naval operations of 1812.

Nevertheless, and this notwithstanding, I am strongly inclined to think that since we last met in June four occurrences of no little historical importance are to be recorded — occurrences which history will not silently pass over. More significant, perhaps, than dramatic, they yet are suggestive, — milestones, in their way.

The first of these, almost revolutionary in its character, was the act of Parliament, passed, as it were under protest, on the 10th of last August, which practically converted the government of Great Britain from the bi-cameral constitu-

tional system to the single chamber system. Abolished in the time of the Commonwealth, the House of Lords again came into life at the Restoration, in 1660; and, for over two centuries and a half, Great Britain has been representative of what may perhaps best be described as an oligarcho-democratic parliamentary system. It ceased to be so since this Society last met, when the Lords passed, perforce, under the Caudine Forks. Hereafter the Commons represent the legislative power of Great Britain, practically unchecked. What the result of this momentous act will be it is useless now even to attempt to forecast. To say that the English are a peculiar people is a commonplace; very set in their processes, never taking counsel from outside, they stumble along in their unintelligent, though by no means incoherent way; and yet, through the exercise of an innate common-sense, they achieve political results far better than those apt to be elsewhere achieved by communities which pride themselves upon their greater quickness of apprehension, and more scientific methods guided by a logical turn of thought. Not improbably it will prove so in the present case. Were an organic problem of such manifest importance to present itself here, we in America would, with our system of written constitutions, be compelled to a recourse to the Convention. It is true we did not do so between the years 1865 and 1870; that, however, was emphatically a revolutionary period. Nothing was then approached in a spirit of calmness; all rules, and most restraints, were set aside. The result was that we did indeed wallow and flounder through after a fashion, but the process was one upon which I think it safe to say the American people, as a whole, do not look back with complacency, and one which the future historian will scarcely fail to visit with severest censure.

Dealing, however, with the ordinary course of affairs and slow working of influences, as the people of Great Britain have recently been called on to do, we in America would almost unquestionably consider the regular legislative procedure unequal to the occasion; and so, manifestly, it was in Great Britain. The reorganization of the House of Lords, if the bi-cameral system was to be preserved at all, should have been approached as nearly as possible in a non-partisan spirit. The crisis has been met in a way wholly different. The real

question immediately at issue, as every one both here and there realizes, has been, not the reform of the House of Lords, but to remove an obstacle in the way of Irish Home Rule. And so it has been openly proclaimed that the rehabilitation of the House of Lords on a basis more in conformity with twentieth-century conditions must wait until after the Irish question is disposed of; and the Irish question could not be disposed of until the House of Lords, an obstacle in its path, was overcome or removed. Hence, from our point of view, the order of proper procedure was reversed. A constitutional revolution has been prematurely worked in order that a vexatious political question may be disposed of out of hand.

It remains to be seen what will follow. Will the second chamber be re-established on a footing of equality with the dominating and popular chamber, or will it gradually fall into contempt, and finally be done away with as an archaic institution become quite useless? One of the most vigorous and incisive historical disquisitions Hallam ever wrote — a model in its way — is that contained in Chapter XIV of his *Constitutional History*, entitled "The Reign of James II." Writing *con amore*, and as an English Whig of the school now extinct, Hallam at the close of this chapter calls attention to the fact that the system established in 1688 was in its "predominating character aristocratical." Prior to that time, what is known in English constitutional history as Prerogative was the ruling factor. The decisive change was wrought in the Convention of 1688, when what Hallam describes in sufficient detail as the "aristocratical" element became dominant. The system then devised has endured, with evident signs, especially of late, of laboring and growing instability, from 1688 to 1911. The change was worked in August. The "aristocratical" element then finally and formally gave way to what is unmistakably the democratic element. Great Britain entered upon a new phase of constitutional existence. A revolution occurred. Whatever is to ensue in the more or less remote future, it would now be useless to philosophize over; one thing is certain, — the critical period occurred, and was met, in August. This event assuredly will go into history as, to say the least, very memorable. It is an appreciable thread in Teufelsdröckh's "Tissue of History."

The next incident which I am disposed to consider History will pause upon as memorable, is the course recently pursued by the Dominion of Canada in rejecting the Reciprocity arrangement, so called to distinguish it from a treaty, effected by President Taft; and by him forced through the United States Senate in a fashion indisputably masterful. This arrangement was not finally acted on by the Senate until the close of the month of August. The necessary corresponding action was taken adversely by the Dominion of Canada in September. President Taft referred in anticipation to the action of Canada as a "parting of the ways." In other words, the time had arrived when the Dominion was to indicate its preference to closer trade relations with its neighbor, the United States, rather than to the preferential imperial system advocated by Mr. Chamberlain and the so-called "tariff reformers" in Great Britain. Not professing to any particular information concerning the grounds upon which the electorate of the Dominion acted in so emphatically rejecting this advance on our part, I am yet inclined to believe that what was done was not actuated by a feeling of preference to Great Britain, or loyalty to the Empire. I have neither seen nor heard of anything which would lead me personally to suppose that the ties connecting the Dominion of Canada with Great Britain are now really close and strong, either commercially or as a matter of sentiment. On the contrary, whatever I have seen or heard of late years — and I have both seen and heard something — has led me to believe that what might be called the loyalty of the Dominion to Great Britain is a negligible quantity. In fact, in large portions of the Dominion, whether east or west, it can hardly be said to exist. Especially have I been struck with this fact when brought in contact with representative men of the Eastern Provinces. They have, indeed, spoken of Great Britain and of their connection with the Empire in terms not indicative of what is usually considered either loyalty or patriotism. The connecting bond was the reverse of binding. My own impression is, therefore, that the electorate decision of September last was in the nature of a declaration of independence. The spirit of nationality has of late waxed strong in the Dominion; and, looking confidently forward to freeing itself

of its dependence on the mother country in everything but name — reducing it, as Great Britain has reduced royalty, to a state pageant — Canada did not regard with enthusiasm the suggestion that it should establish closer relations with the United States. In other words, the spirit of nationality asserted itself; and immediate commercial advantages were rejected because of an apprehension that in some way they would lead, by force of what might be known as economical gravitation, to a new and different dependency. If such was indeed the fact, there can be little doubt that the Canadian electoral action of September 21 foreshadowed the not remote introduction on our continent of an independent nationality. If this should prove to be the case, it is an event which the future historian of affairs is not likely to ignore. It is another very visible thread in "that Tissue of History."

Next to these events in importance, but still of very considerable moment historically, has been the prevailing unrest — social, economic, political — manifest both in Europe and in this country. The contest, known as that between Organized Labor and Concentrated Capital, last month reached a critical stage in Great Britain. The Government was forced to interfere, and the soldiery were called upon. Echoes of what there happened may now be heard in this country as well as in Spain and France. While temporarily the exigency was in Great Britain met after a fashion, yet it was none the less most suggestive as to the future both there and here. It was last month demonstrated that the present situation, both social and industrial, is one of unstable equilibrium. The individualism of the nineteenth century was giving way to the collectivism of the twentieth. The existing status cannot last long. Labor is plainly perfecting its organization, and a conflict is impending. What shape this will take, or what the outcome will be, it would be useless to attempt now to forecast. One thing only is clear, — the events of September were of a character most suggestive of something not remotely impending. It, again, is a thread in "that Tissue of History."

Finally, one other episode of our intermission period, the full significance of which is yet to be developed. I refer to what is known as the Morocco incident in European politics. Manifestly we have not seen the end of that. A truce only

has been established. The underlying situation failed to develop itself. As I read it, — probably mistakenly, — the conditions have much future significance. What occurred indicated a most noticeable change imperceptibly worked during the last thirty years, in what may best be termed the solidarity of nations. In other words, internal, unseen influences, financial and economical, asserted themselves, which practically imposed a policy where in previous stages of world history recourse would have been had to individual action of a national but wholly different character.

In the Morocco incident, the attitude of Germany was at the outset, to say the least, menacing. Under conditions formerly existing, the way in which this attitude was met by France could hardly have failed to lead to hostilities. It did fail, however, and the course pursued by Germany in, so to speak, modifying its demands, if not desisting from them, is to be accounted for. So far as is now apparent, this "backdown," for such it was, was the result solely of financial pressure brought to bear from Paris and London, acting in combination. Had Prussia, or Germany, persisted in the line of policy clearly foreshadowed, such action would have been met by a financial and commercial crisis, the point of concentration of which would have been Berlin, as would have resulted in something closely resembling national bankruptcy, with the accompanying industrial unrest. In other words, a financial panic and labor disturbance would have been precipitated, the possibility even of which caused the imperial government first to hesitate and then stop, accepting the situation practically forced upon it. Looked at from our point of view, the question next suggests itself, what does this signify generally so far as the future is concerned? Has the world, by a closer interlacing and combination of interests, — financial, commercial, industrial, and economical, — entered upon a new phase of development, in which wars of the old description must cease? Here, manifestly, is a problem of first-class historical importance, presented since our June meeting. While to-day it would seem not improbable that, under former conditions, a struggle of the old-fashioned description was contemplated, a continental power of the very first class, when it came face to face with what hostilities now necessarily would

and possibly might involve, found itself under heavy bonds not to break the peace. To express it in a different way, in the forty years which have elapsed since the Franco-Prussian war of 1870, commercial relations have so expanded, financial conditions have, so to speak, so internationalized themselves, and economical and industrial threads have become so interwoven in the tissue, that it is questionable whether, in spite of manifest naval and military preparations, a war of the character of those so frequently and even lightly entered upon in the nineteenth century, yet more in the eighteenth, is longer probable. Its possible and remote consequences are too considerable. Local struggles and hostilities of a minor character must, of course, be anticipated in the future, as in the past; but is it not fairly open to question whether anything even remotely approaching the Napoleonic period is longer to be apprehended? It has thus become a question of the budget and of industrial order. Viewed in this light, the Morocco incident was unquestionably significant. Of exactly what it may have been significant it would be useless at this time here to discuss or to attempt to forecast. But that it was in the nature of another most noticeable thread in the tissue, there seems room hardly for doubt.

Looked at from these points of view, it would seem not impossible that the period of a brief three months elapsed since we last met, including as it did (1) a Parliamentary revolution in Great Britain, (2) the birth of a new nationality on the American continent, (3) an industrial unrest of world-wide importance, which fell narrowly short of a crisis, and finally, (4) an international episode indicative of underlying forces the presence and importance of which were certainly not before appreciated, — it would seem, I say, not impossible that these, taken together, make up a combination which deserves the careful consideration of thoughtful men, and one of which history will scarcely fail to make note.

In any event, placing this review of a vacation period on file in our printed *Proceedings*, I at least furnish material for some future investigator, more or less curiously turning over the leaves of our publications, to compare a present and contemporaneous estimate of the significance of passing events with the future's actualities.

In behalf of Professor Guernsey Jones, of the University of Nebraska, Mr. Ford presented copies of five letters found in the Public Records Office, London, relating to the subject of prisoners in the War of Independence.

### Sir William Howe to Lord Dartmouth.

Boston, 14th December, 1775.

*Private.*

My Lord, — The Crew of the Rebel Privateer being sent to England Prisoners on Board the *Tartar*, a Measure which I have presumed to advise, may occasion some Inconveniencies to Government, by affording an Opportunity to certain factious Persons and their Adherents, who never fail to calumniate and embarrass all public Transactions, to signalize themselves in their Support: But I was led to advise this Measure on a Supposition that it would spread great Terror among the sea-faring People in this Country, who, remaining ignorant of the Fate of their Brethren, will be impressed with an Idea of their being sent Home to suffer by the Hands of Justice, which the Treatment of them here could not effect, without exposing many to Vengeance by Retaliation: Besides I could wish a Distinction to be made between Prisoners taken on Shore and on the Sea, which last Mode of War will hurt us more effectually than any Thing they can do by Land during our stay at this Place. . . .

W. Howe.

### ——— to Lord Mansfield.

Marble Hill, August 6th, 1776.

*Private.*

My dear Lord, — Relying on the Indulgence with which you have repeatedly treated me, as well as on your Regard for the King's Service, I beg leave to state a Point of Business to you of some Nicety, and to ask your Sentiments upon it, by no Means Ministerially, or with Intention to make any ostensible Use of them, but as a private Friend for my own Guidance.

An American Vessel, called the *Yankee*, fitted out and armed for the Purpose of intercepting British Ships, lately took two West India Men, and sending them forward to the New-England Coast, proceeded on her Cruize, in the Course of which, the People (to the Number of 14) whom She had removed from the Capture, watching their Opportunity turned the Captors into Prisoners, and brought [the ship to] the Port of London. It is now referred to me from the Board of Admiralty to say what shall be done with the Prison-

ers, who consist of Four Men calling themselves Officers, nineteen Privates and two Slaves. With regard to the Common Men, I feel little or no Difficulty in suffering them to be removed aboard one of His Majesty's Ships intended to proceed immediately on the East-India Station; there are however several obvious Objections to giving the same Treatment to the other Four; And it is perhaps a decisive one, that it would certainly expose His Majesty's commissioned Officers to a cruel and disgracefull Retaliation. The next Mode that presents itself is to send them back as was very wisely suggested and practiced with regard to the Canada prisoners who were brought to Pendennis Castle; But I am not singular in seeing a great Distinction between the two Cases. In the first Place, the Situation of Affairs is extremely different, and the Motives which then made it the Duty of Government to temporize, no longer exist in the same Degree, and will, it may be expected, totally cease in the Course of the present Campaign. In the next Place the Crime of these Men is very different from that of Ethan Allen and his Associates, and the Tendency of leaving it unpunished is infinitely more interesting and extensive. The Rebels engaged in a Land Service, in which there is no Plunder to be gained, nor any better Return than Sixpence a Day for all the Hardships and Hazards which they undergo, will, whenever the Interval comes for cool Reflection, find sufficient Discouragement in the mere Circumstances of their Situation: But the Reasoning of Rebels who turn to Piracy is very different; They expose themselves to little or no personal Danger in the Attack of unarm'd Vessels, and if they make one valuable Capture, they acquire, according to their Ideas, immense Fortunes; If, added to this, they find that when accidentally or otherwise taken Prisoners they are to be dismiss'd without Punishment, they will then have the compleat and irresistible Temptation of great probable Gain without any possible Risk. These Considerations are too obvious to escape our Merchants who are, at the Moment, particularly interested in the Subject; And the illegal Act which in the Case of Allen had the tacit Approbation of the Kingdom would, I apprehend, be very differently considered, if extended to the Four Men abovementioned; It might in this Case be thought a dangerous Relaxation of Government and excite much Clamour. I shall be anxious to know your Lordship's Opinion; I do not suppose that there can be much Difficulty in keeping the Men aboard a Guardship for the present, or even that if any factious Man should force Us to commit them, that the Trial can be forced on in the Admiralty Courts before the Issue of the present Contest is in Effect brought about.

The whole of what I mean to submit to your Lordship may be reduced to the three following Heads:

1. Whether to give up all Idea of commencing a legal Prosecution against these Men for their Crime.

2. Whether to keep them in a Guardship 'till the Turn of the Campaign is more decided.

3. Whether to commit them at once for the Piracy.

[Indorsed] Draft to Lord Mansfield August 6th, 1776. *Private.*

LORD MANSFIELD TO ———.

GUILDFORD, 8 August, 1776.

MY DEAR LORD, — I had the honour of your Lordships letter upon the Road, and sit down to write the instant of my arrival. It gives me great pleasure that you do me the Justice to believe there is no assistance in my Power which I would not readily give from personal Friendship to your Lordship, independant of the great Interest I take in everything which materially concerns the King, or the welfare of his Government. The Subject of your letter is important, and in every light attended with difficulty. If the four would make an application in writing praying leave to enter aboard one of his Majesty's Ships bound for the East Indies, that might be the best Expedient, but this I suppose they will not do, and may look upon being common Sailors as a degradation worse than the worst they have to fear. Their Crime abstractedly, and upon the face of it, is Piracy, and it is better so to treat it, tho' under all the collateral Circumstances I take them to be guilty of High Treason in levying War. It seems most clear that they ought not to be set at liberty. I am not able to answer the many objections to sending them back; there is no Analogy between the Reason and Circumstances which wisely prevailed in the Case of Allen, etc. and the present. There cannot be an Admiralty Session, in the ordinary Course, till about January next. If you commit them to Newgate for Piracy, it is possible to throw, upon this Step, the Colour of a Tryal and Execution, and there will not be wanting here and there Exhortations to retalliate, and the whole Blame cast upon what they will call the first Determination here. But if it be clear that they should not be dismissed, or sent back; tho' perhaps these Men may never, among so many greater Delinquents, be thought the Objects of Execution or even Tryal, the only Deliberation is, how to keep them. If they were Prisoners of War, the King might keep them where He pleased, consequently aboard a Guardship, no Habeas Corpus could deliver them. It is tenderness to avoid

treating them as Rebells or Pirates, and in sound Policy prudent to suspend any ostensive Act either way. If these four are so wickedly advised as to claim to be considered as Subjects, and apply for a Habeas Corpus, it is their own doing. They force a regular Commitment for their Crime, upon the returns to the Writ, if they are not committed before. Opposition should be made to their Discharge, on the part of the Attorney General, upon Informations of their Crime properly sworn, as a Ground for their Committment. All that follows will be their own Act and imputable to themselves. During the last Rebellion and after the entire Suppression of it, many french Officers were in Gaol as Rebells, being either born in the Kings Dominions, or if born abroad the Sons of British Subjects. They were tryed and condemned but none of them executed; they were all sent back.

I do not collect from your Lordship's letter, that there will be any difficulty or Inconvenience to keep the four aboard a Guardship, and therefore it seems most advisable for your Lordship to direct the four to be kept aboard till further order, always being prepared, in case of a Habeas Corpus; but this is the Confidential Conversation of a private friend. Your most aff and faithful hon. Servt.

MANSFIELD.

## FRANKLIN TO HODGSON.[1]

PASSY, Nov. 19. 1781.

SIR, — I duly received your several Favours of Sept. 4, & 18, and Oct. 30. which sundry Circumstances prevented my answering regularly; but I took care to order the Needful into your hands by a Credit of £400,, 15,, 0,, Sterling, which I suppose you have receiv'd.

Mr Witherspoon[2] has been with me, and has repaid the 20 Guineas you advanc'd to him. I give you a great deal of Trouble; and at present I can only thank you, and that never sufficiently. Curson and Gouverneur[3] have by a Letter to me acknowledged your kind Care in finding them out and making them the Offer of Money. They had not then Occasion: But still if they should have Occasion for it hereafter, I request you would furnish them, not for their Subsistance only, but for any other importance Use in defending themselves and obtaining their Liberty. I inclose a Letter for them.

[1] William Hodgson, merchant, of Coleman Street, London.
[2] Dr. John Witherspoon, Jr.
[3] Samuel Curson, and Isaac Gouverneur, Jr., merchants of St. Eustatia.

The Affair of exchanging Captain Manley against Major [William] Cowley, perplex'd me a little. I spoke to the Minister about it, and tho' Cowley was not a Prisoner to the Americans he made no Objection on that Account: but I did not press the Affair, because I have found that particular Exchanges by Favour, before their Turns tho' they oblige particular Persons, are grievous to all the rest, who are offended with such Partiality, and think themselves slighted and injur'd by such Preference. I honour Capt. Manley and should be glad to serve him, and indeed all the rest. Perhaps you can get him sent over among the fifty-three you mention. If this is done by your Management it will not be so offensive as if by mine. Cowley has his Parole. I will get up and return the Engagement entred into by the People taken in the *Snake* Sloop, or send a Discharge from it, as soon as they arrive.

Our late Success in Virginia gives us the Disposition of a great many Prisoners; and as it may occasion Men to be more wanted there in your Service, I would make a Proposal thro' you to the Commissioners, which is, that if they will send me over hither all the American Prisoners they possess, I will give an Acknowledgement of receiving them, and engage that an equal Number of English shall be delivered for them in America, Soldiers or Sailors or both; for the Men you have are mix'd, a part of them only being Sailors, our Privateers having many Land-men. Or if it should be apprehended that our People deliver'd here may be us'd in Europe against you, and that should be thought more inconvenient, then I would propose that they should be sent home in your Ships and exchanged there by your Admirals or Generals. Some Circumstances of Kindness to them at their Departure from England, showing a Change of Disposition towards us, might have a good Effect on the Minds of their Countrymen, and tend to promote the good Work of Peace. Please to let me know your Sentiments on these Propositions; and the Sentiments of the Board if they think fit to give them.

I know there has been, as you observe, a great many Prisoners releas'd from Spain, but I have never been able to obtain any Account of them. If the Commissioners have such Account, I am persuaded they will credit us with them. There are I believe a few English Prisoners still in France that were taken by American Privateers, but I have no Account of them from the Ports. I suppose they are sent over from time to time in the Cartels. There were seventeen left at l'Orient last Spring brought in by our Frigate the *Alliance*. It is long since I heard any thing of them, I imagine they were sent over, and that as we were in debt to the Commis-

sioners they have given us Credit for them and the rest. I shall be glad to know how the Account stands at present.

I wrote to you sometime since requesting that the Prisoners may be allow'd 1*s* per Week from the Middle of November to the Middle of March. I have recd. a Letter from sundry Americans in Deal Prison, viz Robert Smallpeece jun^r^. Allen Ord, Ephraim Wales, John Parker, Caleb Miller, Jesse Breed, Edward Hopper, and Amos Easterbrooks: Permit me to recommend these Men also to your kind Care and to the same Allowance. Does not the Rev. Mr. Denward live at Deal? Perhaps he would be your Administrator.

I mentioned above, that partial Favour shown to Particulars would be better from another than from me. There are some whom I would wish to favour if I durst, as their Circumstances or Merit seem to claim it: but I cannot well do for one however he may merit it, what I should be under a Necessity of refusing to many, from want of Cash as well as of Orders. I would therefore request of the good and charitable Friends at Portsmouth and Plymouth, who take the Pains of the Distribution, that where particular Circumstances make it appear to them proper, they would sometimes favour certain Persons, in some unknown Name, concealing the Source from whence it springs. There are Captain Manley, Silas Talbot, and Zephaniah Hatch, who have written to me I cannot comply with their Demands without drawing a vast many others upon my back; and I have not answer'd their Letters: But I wish some Addition may now and then be made to their Allowance, tho' not as from me.

I enclose our last Gazette, by which you will see, that Gen. Burgoyne has now a Companion in Misfortune. This World is full of Changes, and of Chances. War in particular abounds with them. The present I think has done Mischief enough. When will your Rulers be of the same Opinion? I am with others empower'd to treat of Peace, and for the sake of Humanity I heartily wish it; but I draw near the End of Life, and hardly expect that in my time there will be any Use made of our Commission. With the greatest and most sincere Esteem, I am, Dear Sir,

B. Franklin.

I desire You would charge with the Postage of this and all other Packets and Letters that pass between us.

### Franklin to Hodgson.

Passy, April 26, 1782.

Dear Sir, — Your two Favours of the 9th Instant came to my hands but a days since. I had written to you so fully by the pre-

ceeding Post, sending at the same time the Passports and Powers you had demanded, which I hope will be sufficient, that I find little left to answer.

I am much pleas'd with the memorial you presented respecting the Prisoners, and thank you heartily for the Pains you have so kindly taken in that affair.

As to the Expence of the Transports and Provisions, I would just remark, that a great Number of our People, made Prisoners in America, instead of being exchanged there, were cruelly and unnecessarily sent by Admiral Rodney to England in Irons, and pack'd together in the unwholesome Holds of the Ships, which kill'd many. The Provisions for these taken in these Seas, should I think in Justice be compensated by an equal Quantity delivered in America to the Prisoners we shall give in Exchange to be returned in Europe. The Transport Vessels would perhaps go in their Ballast, as they will be wanted probably in America to receive the exchanged Men, or to remove their Garrisons; and if your Government will accept my first Proposition, and deliver our men to me here, I would save it the Expence of hiring Ships for transporting them to America, as I could easily find the Means of doing it in our own or French Ships.

Having mentioned these Ideas, I confide the whole Transaction to your Judgement and Equity, and shall be satisfied with any Agreement you make, for I know you will do what is right and obtain for us every Advantage we ought to expect. Lord Shelburne's intended Kindness to the Prisoners, so as to render their Voyage comfortable, gives me great Pleasure, not so much on Account of an Expence to be saved by that means, but because I know it will have an excellent Effect in America, by its Tendency to *conciliate*; which I think a material Point that merits the attention of both Sides at present: for a Peace may be made by merely agreeing to cease fighting; and that may be without *Reconciliation*; in which Case the Peace will be less advantageous and of a short Duration. Whatever Allowance his Lordship makes for the Purpose above-mentioned to the Prisoners in England, I suppose he will extend also to those in Ireland. If not, I request you will desire your Friends at Kinsale to furnish it, and I will pay the Account upon Sight. Be so good as to present my best Respects and Thanks to his Lordship, for this Instance of his Humanity and Benevolence towards our poor People, and assure him I shall always retain a gratefull Sense of it. With great Esteem I have the honor to be, Dear Sir, etc.

B. Franklin.

The originals of the following letters, of which copies were communicated by Dr. GREEN, are in the possession of the Groton (Mass.) Public Library, and were there given by him about fifteen years ago.

### JAMES SULLIVAN TO HIS BROTHER.

19th October, 1774.

DEAR SIR, — Being just delivered from the most melancholly scene I take Liberty to give you a small hint of our Trouble. The Evening before Last James and Nathaniel Scammon with one Hen Cumpston of this place went on Bord Doctor Aldens vessel and accused the master (one John Stackpole) and the owner without any probable foundation of carrying Boards to build Barracks, after some words were passed they the master and owner told these fellows that they had nothing to do with them but if any men of Character were to ask satisfaction they would give it. These fellows immediately sent post haste and from Gorham (Especially), Buxton, Scarboro, Falmo and C. Elizabeth, more than five hundred men appeard here yesterday under Arms without head, guide, Leader or Reason. I heard they were Expected, took Hooper, Tm. Jordan and Selectmen of pepperelborough, went to Alden and his Captain, got under their hands in writing that they had carryd no Bords, went about three miles to meet the Body to stop them if possible, but these Rascals that had sent for them sent men on horse Back that overhauled and prevented us. They therefore arrived in the most Terrible manner Paraded. I immediately sent for Alden and Stacpole, and after much ill treatment (which would have been spared had it not been for those men who were the foundation of the Riot) wee have Joyfully got Rid of them. They are now Encampd against the King at Dustan [Buxton] and have increased to 900 or 1000. What the Event will be I know not, but let us have any Government rather than a mobb. They intended to have mobbed major Jordan, etc., but by smooth words it is prevented. You will Excuse my loose writing, as I have had but little Rest all Night, uneasy least I should not deliver the Doctor who was under Guard. I was in hopes we should have Escaped this Calamity. When the Time for Licencing retailers shall come I hope Characters will be Considered. I am sir your much wearied and Distress$^{d}$ Brother

JA. SULLIVAN.

Post waiting
[Indorsed] Biddeford Oc$^{r}$ 19$^{th}$ 1774
James Sullivan Esqr.

## Caleb Strong to David Sewall.

Philadelphia, October 29th, 1791.

Dear Sir, — I arrived at this Place last Saturday after a Journey as agreable as could be expected. I left my Friends at Northampton well, except my Mother who has been out of health the greater part of the Summer, but was somewhat better than she had been when I came from Northampton. The Members chosen from Massachusetts are all in Town. The Time hitherto has been chiefly employed in attending to our own personal Accomodation. The City was so full of Strangers on Account of the Bank and the Meeting of Congress that it was difficult for several Days to get good Lodgings, but I hope we shall enter on the publick Business next Week with Resolution, and finish it with Despatch. For I assure you the shorter the Session the more agreable it will be to me. When I was at Boston last September I gave to Mr. Phillips, a young Gentleman where I lodged, a Letter to you enclosing a bank Note of 30 Dollars, being the money I collected of a man near Northampton, or rather advanced for him on Account of a bastard Child born in your Neighbourhood. (I have forgot the Mothers Name.) I desired Mr. Phillips to hand the Letter to Mr. Theodore Lyman having neglected myself through forgetfulness to give it to him. If you have rec'd the Letter and the enclosed Bill be kind enough to advise me of it. Pray give my Respects to Mr. and the two Mrs. Lymans, and my Love to their Children, and be kind enough to present my Compliments to Mrs. Sewall. I hope you will find some leisure Time in which you and Mrs. Sewall can make us a Visit at Northampton. I am Sir with great Respect and Regard your most obedt and hble Servt

Caleb Strong.

[In Sewall's handwriting]
Wrote in answer Novr. 20th. 1791

[Addressed] The Honble David Sewall Esq. York. From C. Strong. To be left at Portsmouth New Hampshire.

## John Adams to David Sewall.

Quincy, December 22d, 1802.

My dear Friend, — When I resolved if I could to give peace to my Country, in opposition to the selfish and ambitious views of a few of the Federalists who never knew the Character and Temper of the American People, nor their true Interests, a Peter Porcupine and a John Ward Fenno under the direction of McDonald the

British Commissioner and William Smith the Agent for British Creditors, began to squirt their Ink in my face.[1] A few little and a few great Federalists were left for their sins to reinforce this miserable group. The Scurrillity of the whole Combination encouraged and emboldened the Jacobins to redouble their efforts, which have gone on encreasing till the dirty business has been consummated by Thomas Paine.[2] The Spissitude of the black liquor, which is spread in such quantities by this Writer prevents it daubing, because it cannot stick; and the whole has no more impression upon me than so much common water.

I receive your Letter of December 14th with all the Sensibility of Friendship with which it was written. I recollect our juvenile studies and amusements with great pleasure, and have always lamented that the Circumstances of our affairs have kept us so far asunder. I never recollect a Hemmenway, a Sewall or a Locke without the most lively emotions of affection and the highest sense of Esteem, and fifty years more would make no alteration in this respect as I verily believe in your habitual Friend,

JOHN ADAMS.

The Hon. David Sewall
Judge of the District of Maine York

## JOHN QUINCY ADAMS TO DAVID SEWALL.

WASHINGTON CITY, 9 Decr. 1803.

SIR, — A bill to repeal the bankrupt Law has pass'd the House of Representatives, and in the course of a very few days will probably pass the Senate. The repeal will take effect from the passage of the bill. I have twice attempted without success to postpone the operation of the repeal untill the District Judges throughout the Union may have notice not to issue any more Commissions of Bankruptcy.

[1] *Writings of John Adams*, IX. 248.

[2] In the Jefferson MSS., in the Library of Congress, is a letter from Paine to Jefferson, dated October 1, 1800. Conway prints the letter in his *Life of Thomas Paine*, II. 284, but some sentences which were carefully struck out by Jefferson in the MS. were not deciphered or printed. They embody so characteristic an attack, and so entirely justify Adams' opinion of Paine, that they are now for the first time reproduced: "that you might keep our eyes on brother Adams, whose talent was to blunder and offend. His fractious, untractable disposition has justified this opinion of him. Like his Secretary Timothy [Pickering] he mistakes arrogance for greatness, and sullenness for wisdom. Were you in Europe, you would feel afflicted, as I do, for the degradation of the American character. The silent hypocrisy of Washington, (for I venture my opinion) gave the first stab to the fame of America, and the entire nothingness of Adams has deepened the wound." [W. C. F.]

I have therefore thought it my duty to give you notice of this circumstance, as it is *possible*, applications for Commissions of Bankruptcy may be made to you after the repeal, but before you can be properly informed of it. This is the motive which induces me to take the liberty of writing you this letter. I am with great respect, Sir, your very humble and obedt. Servt.

JOHN QUINCY ADAMS.

Remarks were made during the meeting by the PRESIDENT, and Messrs. W. R. LIVERMORE, HART, THAYER, GREEN, STANWOOD, NORCROSS, and BIGELOW.

## NOVEMBER MEETING.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M.; the PRESIDENT in the chair.

The record of the last meeting was read and approved; and the Librarian reported the list of donors since the last meeting.

The Cabinet-Keeper reported the gift, by Mr. Davis, of a medal, of which only a very small number were struck, commemorative of his father, Governor John Davis. The original profile, from which this representation is copied, is in marble, and hangs in the gallery of the Senate, at the State House. Another example in the Appleton Collection bears the names of Knox and Lang, and the profile that of C. Lang.[1]

The Corresponding Secretary reported the receipt of a letter from George Foot Moore, accepting his election as a Resident Member.

The Editor read part of a letter from John Bigelow to the President, in which he stated:

I send you a New England Primer which was printed when I was but nine years old. It is different in many respects from the Westminster Catechism with which I was laboring about that year. It appeared about the time when Massachusetts was beginning to shed its Calvinism, which I suppose in part accounts for its being fortified by the Episcopal and the Assembly of Divines's Catechisms. Why such a Primer for New England should have been printed in Broadway, New York, and called the New England Primer, is a question for the "quidnuncs" of your Historical Society. It reached me in — as you may suppose — a pretty ragged cover, which I have replaced by a more modern costume. I send this Catechism to you, on the chance that you may not have a copy in your Society's library. If you have not, it will be worth to you its board and lodging. If you have already a copy, you may dispose of it as an impostor.[2]

[1] See 2 *American Antiquarian Society Proceedings*, IX. 334, 335.

[2] The title reads: The | New-England | Primer, | improved, | for the more easy Attaining the true | Reading of English. | Adorned with Cuts. | To which is added, | the Episcopal | and | the Assembly of Divines' | Cate-

Gamaliel Bradford, Jr., of Wellesley, was elected a Resident Member of the Society.

Mr. Bowditch, on behalf of Miss Mary P. Nichols, of Boston, presented to the Society some old manuscripts, and read a portion of one, "Charles Chatterbox's Will," a name given to William Biglow (1773–1844), head master of the Boston Latin School from 1805 to 1814.[1]

## Charles Chatterbox's Will.

A Will, being the last words of Charles Chatterbox esq. late worthy and much lamented member of the Laughing Club of Harvard University, who departed college life, June 21st, 1794. in the 21st year AET.[2]

I Charley Chatterbox sound of mind
To making fun am much inclined;
So having cause to apprehend
My College life is near its end,
All future quarrels to prevent,
I seal this will and testament.

My soul and body while together.
I send the storms of life to weather;
To steer as safely as they can,
To honor God, and profit man.

Imprimis, then my bed and bedding,
My only chattels worth the sledding,
Consisting of a maple stead,
A counterpane and coverled,
Two cases with the pillows in,
A blanket, cord, a winch and pin,
Two sheets, a featherbed, and haytic,
I order sledded up to Natick;
And that with care the sledder save them
For those kind parents first who gave them.

Item. The laughing club so blest,
Who think this life, what 'tis, a jest
Collect its flowers from every spray,
And laugh its goading thorns away;
From whom tomorrow I dissever,
Take one sweet grin, and leave forever;
My chest and all that in it is,
I give and I bequeath them, viz;
Westminster grammar old and poor,
Another one compiled by Moor,
A bunch of pamphlets pro and con,
The doctrine of sal-va-ti-on,
The college laws, I 'm free from minding,
A Hebrew psalter, stript from binding,
A Hebrew bible, too, lies nigh it,
Unsold, because no one would buy it.

My manuscript, in prose and verse,
They take for better and for worse;
Their minds enlighten with the best,
And pipes and candles with the rest,
Provided that from them they cull
My college exercises dull,
On threadbare theme with mind unwilling.
Strained out thro' fear of fine one shilling,
To teachers paid to avert an evil,
Like Indian worship to the devil.
The abovenamed manuscript I say,
To club aforesaid I convey,

chisms. | New-York: | Printed and Published by George Long. | No. 161 Broadway. | 1826. Pp. 71.

[1] *Catalogue of the Boston Public Latin School*, 8 *n.* and p. 45 of the Historical Sketch by Henry F. Jenks.

[2] Found among the effects of Benjamin W. Nichols. The ms. bears a note in the writing of Benjamin R. Nichols, "Charles Chatterbox, alias William Bigelow."

Provided that said themes so given,
Full proofs that genius wont be driven,
To our physicians be presented
As the best opiates yet invented.

Item. The Government of college
Those liberal hellions of knowledge,
Who e'en in these degenerate days,
Deserve the world's unceasing praise;
Who, friends of science and of men,
Stand forth Gomorrah's righteous ten,
On them I nought, but thanks bestow,
For like my cash my credit's low;
So I can give nor clothes nor wines
But bid them welcome to my fines.

Item. My study desk of pine,
That work-bench sacred to the nine,
Which oft has groaned beneath my metre
I give, to pay my debts, to PETER.

Item. Two penknives with white handles
A bunch of quills, and pound of candles
A lexicon compiled by Cole,
A pewter spoon, and earthen bowl,
A hammer, and two homespun towels,
For which I yearn with tender bowels;
Since I no longer can control them,
I leave to those shy lads who stole them.

Item. A gown much greased in commons,
A hat between a man's and woman's,
A tattered coat of college blue,
A fustian waistcoat torn in two,
With all my rust through college carried,
I give to classmate O—[1] who 's married.

Item. C— P—s[2] has my knife
During his natural college life.
That knife which ugliness inherits,
And due to his superior merits.
And when from Harvard he shall steer,
I order him to leave it here,
That 't may from class to class descend,
Till time and ugliness shall end.

The said C— P—s, humor's son,
Who long shall stay when I am gone,
The muses' most successful suitor,
I constitute my executor;
And for his trouble to requite him,
Member of laughing club I write him.
Myself on life's broad sea I throw,
Sail with its joy or stem its wo,
No other friend to take my part,
Than careless head and honest heart.
My purse is drained; my debts are paid;
My glass is run; my will is made,
To beauteous C A M. I bid adieu,
And with the world begin anew.

June 20, 1794.

## Isaac Hull to Nathaniel Silsbee.[3]

Governor Long read a copy of a letter from Commodore Isaac Hull, as follows:

Navy Yard, Charlestown, Nov. 29, 1820.

My dear Sir, — I had great hopes that you would have given me a call before you left for Washington, that I might have an opportunity to show you the Establishment, and I wished very much to have had a conversation with you on the subject of Commodore Bainbridge's letter to you on Rank and Command. And since you left circumstances have occurred on that subject that, in my opinion, will go far to ruin the Navy, if the subject is not put to rest by the

[1] Jesse Olds. [2] Charles Prentiss, of the next class, that of 1795.
[3] Member of Congress.

Government. If we cannot get a permanent Grade, the nominal one of Commodore must be done away; if not there will be as many affairs of honor as they are called as there are nominal Flags; for it cannot be supposed that the President intended, in giving the command of one or more ships to some of the youngest Captains with the nominal rank of Commodore, that he intended to give them permanent rank and honor. If so there is an end to the Service, and I hope if the question is brought forward an inquiry will be made, whether the President did intend permanent honors, etc., when giving those Commands. Believe me, it is a subject that ought to attract the attention of both Houses. The Navy Department must have considered that there were permanent honors attached to the rank of Commodore, or why should they, after that command ceased, address letters to "Captain" Isaac Hull, to "Commodore" Isaac Chauncey, "Commodore John Shaw," Commodore Charles Morris, Commodore Sinclair, Commodore Macdonough, Commodore Patterson; and forty other Commodores that were Midshipmen when I was a post Captain? I am now informed that those Commodores have commenced a correspondence with each other to endeavor to make interest with their friends to get their rank confirmed. You must readily conceive what my feelings are to see their letters come addressed to them as Commodores, and by the same mail mine are directed to "Captain Hull."

In short, my dear sir, it will be impossible to prevent duelling and all sorts of quarrels unless Rank and Command is better defined, understood, and practised, than it now is. Will you write me if anything is likely to take place in consequence of this effort that is to be made, that in your opinion is likely to injure my reputation or Rank? With very great regard and respect, I am, sir, your friend and obdt. servant,

ISAAC HULL.

## PAYMENTS TO PROVINCIAL OFFICIALS.

By way of supplement to Professor Channing's remarks on London records of payments to officers of the Province of Massachusetts Bay,[1] Mr. BIGELOW presented certain memoranda of payments to the same officers out of the Province Treasury, and made some comments upon the subject. He mentioned the fact also that payments in considerable sums were regularly made out of the Province Treasury to the judges of the Superior

[1] See p. 7, *supra*.

Court, and referred to the well-known controversy between the Crown and the Province in regard to the question of the source of compensation for the Governor. The memoranda are as follows:

Amts. paid. Paid to Spencer Phips, Lieutenant Governor.

| £ | s | p | | Vol. | p. | year. |
|---|---|---|---|---|---|---|
| 100 | 0 | 0 | Services | XIII[1] | 173 | 1742–'43 |
| 15 | 0 | 0 | Entertaining Committees | " | 342 | 1743–'44 |
| 150 | 0 | 0 | Services | " | 542 | 1745–'46 |
| 100 | 0 | 0 | Capt. of Castle William | XIV | 98 | 1747–'48 |
| 200 | 0 | 0 | Services | " | 382 | 1749–'50 |
| 80 | 0 | 0 | Services | " | 496 | 1750–'51 |
| 300 | 0 | 0 | Services | XV | 425 | 1755–'56 |
| 300 | 0 | 0 | Services | " | 538 | 1756–'57 |
| 300 | 0 | 0 | Services | " | 677 | |
| 1,545 | 0 | 0 | | | | |

Paid to Andrew Oliver, Secretary.

| £ | s | p | | Vol. | p. | year. |
|---|---|---|---|---|---|---|
| 50 | 0 | 0 | Services | XVI | 128 | 1757–'58 |
| 90 | 0 | 0 | Extraordinary services | " | 128 | |
| 50 | 0 | 0 | Services | " | 264 | |
| 90 | 0 | 0 | Extraordinary services | " | 265 | |
| 80 | 10 | 0 | Making entries for Govts poor & distress'd servants | " | 290 | |
| 50 | 0 | 0 | Services | " | 474 | 1759–'60 |
| 90 | 0 | 0 | Extraordinary services | " | 474 | |
| 50 | 0 | 0 | Services | " | 651 | 1760–'61 |
| 120 | 0 | 0 | Extraordinary services | " | 699 | |
| 40 | 0 | 0 | Entries for Govts poor & distress'd servants | " | 699 | |
| 70 | 0 | 0 | Extraordinary services | " | 700 | |
| 50 | 0 | 0 | Services | XVII | 158 | 1761–'62 |
| 70 | 0 | 0 | Extraordinary services | " | 158 | |
| 64 | 0 | 0 | *Extra* extraordinary services | " | 180 | |
| 50 | 0 | 0 | Services | " | 313 | 1762–'63 |
| 90 | 0 | 0 | Extraordinary services | " | 313 | |
| 60 | 0 | 0 | Extraordinary Ser. for soldiers fees | " | 333 | |
| 50 | 0 | 0 | Services | " | 456 | 1763–'64 |
| 90 | 0 | 0 | Extraordinary services | " | 457 | |
| 60 | 0 | 0 | Extraordinary services | " | 463 | |
| 50 | 0 | 0 | Services | " | 600 | 1764–'65 |
| 90 | 0 | 0 | Extraordinary services | " | 600 | |
| 60 | 0 | 0 | Extraordinary services | " | 607 | |
| 1,564 | 10 | 0 | | | | |

[1] *Province Laws.*

Paid to Andrew Oliver, Secretary.

| £ | s | p | | Vol. | p. | year. |
|---|---|---|---|---|---|---|
| 50 | 0 | 0 | Services | XVIII | 87 | 1765–'66 |
| 90 | 0 | 0 | Extraordinary services | " | 87 | |
| 100 | 0 | 0 | Assistants pay | " | 104 | |
| 90 | 0 | 0 | Extraordinary services | " | 182 | 1766–'67 |
| 50 | 0 | 0 | Services | " | 182 | |
| 100 | 0 | 0 | Assistants pay | " | 197 | |
| 50 | 0 | 0 | Services | " | 283 | 1767–'68 |
| 90 | 0 | 0 | Extraordinary services | " | 284 | |
| 100 | 0 | 0 | Assistants pay | " | 289 | |
| 50 | 0 | 0 | Services | " | 388 | 1769–'70 |
| 90 | 0 | 0 | Extraordinary services | " | 388 | |
| 100 | 0 | 0 | Assistants pay | " | 391 | |
| 50 | 0 | 0 | Services | " | 441 | |
| 90 | 0 | 0 | Extraordinary services | " | 441 | |
| 100 | 0 | 0 | Assistants pay | " | 445 | |
| 175 | 0 | 0 | Ordinary and extraordinary | " | 497 | 1770–'71 |
| 100 | 0 | 0 | Pay for Assistants | " | 521 | |
| 1,475 | 0 | 0 | | | | |

Paid to Thomas Hutchinson, Governor.

| £ | s | p | | | | year. |
|---|---|---|---|---|---|---|
| 2 | 13 | 4 | Care of French Inhabitants | XVI | 176 | 1757–'58 |
| 80 | 0 | 0 | Serving the public | " | 320 | 1758–'59 |
| 80 | 0 | 0 | Extra service (Lieut. Gov.) | " | 463 | 1759–'60 |
| 40 | 0 | 0 | Lieut. Gov. sundry services | XVII | 268 | 1762–'63 |
| 30 | 0 | 0 | " " services | " | 361 | |
| 30 | 0 | 0 | Gov. bounds, Mass. & N. Y. | " | 570 | 1764–'65 |
| 40 | 0 | 0 | Chief Justice | " | 599 | |
| 40 | 0 | 0 | Chief Justice | XVIII | 86 | 1765–'66 |
| 40 | 0 | 0 | Chief Justice | " | 181 | 1766–'67 |
| 40 | 0 | 0 | Chief Justice | " | 283 | 1767–'68 |
| 422 | 13 | 4 | | | | |

The controversy between the Crown and the Province in regard to the right of payment of the Governor's compensation came up for action in the Legislature in April, 1771. The first stages of the controversy may be presented here. They are as follows:

April 12, 1771. An Engross'd Bill for granting the Sum of Five Hundred and six Pounds to his Excellency Thomas Hutchinson, Esq; in Consideration of his Services while Lieutenant Governor. — Read and pass'd to be enacted. *House Journal*, XVII. 210.

April 12, 1771. An Engross'd Bill for granting the Sum of Thirteen Hundred Pounds for the Support of his Majesty's Governor. — Read and pass'd to be enacted. *House Journal*, XVII. 210.

April 25, 1771.

May it please your Excellency.

The House of Representatives after Enquiry of the Secretary cannot be made certain whether you have yet given your Assent to two Bills which were laid before your Excellency early in this Session: The one for granting the Sum of Five Hundred and six Pounds for your Services when Lieutenant Governor and Commander in Chief; and the other for granting the usual Sum of Thirteen Hundred Pounds, to enable your Excellency, as Governor, to carry on the Affairs of this Province.

And, as your Excellency was not pleas'd to give your Assent to another Bill pass'd in the last Session of this Assembly, for granting the Sum of Three Hundred and twenty-five Pounds for your Services, when in the Chair, as Lieutenant Governor, the House are apprehensive that you are under some Restraint; and they cannot account for it upon any other Principle, but your having Provision for your Support in some new and unprecedented Manner. If the Apprehensions of the House are not groundless, they are sollicitous to be made certain of it, before an End is put to the present Session; and think it their Duty to pray your Excellency to inform them, whether any Provision is made for your Support, as Governor of this Province, independent of his Majesty's Commons in it. *House Journal*, XVII. 246.

A message from his Excellency the Governor.

I could not, consistent with my Duty to the King, give my Assent to the Bill passed the last session for granting Three Hundred and twenty-five Pounds for my Support. Before the Close of the present Session I shall assent to or reject the Bills which shall have passed the two Houses as it shall appear to me the same Duty requires of me.

You are sollicitous to be informed whether any Provision is made for my Support as Governor of the Province independent of his Majesty's Commons in it. By the Expression His Majesty's Commons I suppose you would be understood to intend the House of Representatives. I must observe to you that the King, Lords and Commons, our Supreme Legislature, have determined it to be expedient to enable his Majesty to make a certain and adequate Provision for the Support of the Civil Government in the Colonies as His Majesty shall judge necessary.

I will not enter into a Dispute with you upon the Propriety of this Provision. It may not however be amiss to acquaint you that I have not received the full Instructions and other Appendages

to His Majesty's Commission which I have Reason to expect. When I shall receive them I will communicate such Part of them to the House of Representatives as I shall think for his Majesty's Service.

In the mean Time I am the only sufferer by declining or delaying my Assent to any Bills for my Support, and I think your Constituents will not blame me for being willing to avoid burdening them with this Support by the Increase of the Tax upon their Polls and Estates whilst there is any Probability that it may have been provided for in another Way.

T. HUTCHINSON.

Cambridge 25 April, 1771. *House Journal*, XVII. 252.

Mr. Bigelow also presented some memoranda of traces of primogeniture in Massachusetts, extending nearly down to the Revolution; remarking upon the long survival here, under new conditions, of a monarchic institution. "It was," said Mr. Bigelow, "as if the sun turned upon its axis once in two centuries, and the afterglow of sunset lasted a hundred and fifty years." The following, not presented as exhaustive, are the memoranda:

An order of the Province Legislature in 1735, empowering Samuel Hunt and others to survey a town for the soldiers in Falls fight, above Deerfield (1676). In case of the death of any entitled, preference was always to be given "to the eldest of the sons of each officer or souldier deced. that shall put in their Claims; and in Case no son does put in his Claim within twelve Months, then to give preference to the Eldest Male Descended from any such officer or Soldier deced. that shall put in their Claims as aforesaid, and all others shall be excluded." *Province Laws*, XII. 55, chap. 111.

In the same year, an order empowering the heirs of Captain Wiswall and others engaged in the fight at Lamprey river (1690), near Dover, New Hampshire, to survey lands for themselves. And in case of the death of any entitled, "Preference to be given to the Eldest son Surviving . . . And in Case there be no son living then to the Eldest Male descended from such officer and soldier now living . . . And in Case there be no male heir then to the Eldest female Surviving." *Ib.* 75, chap. 152.

In the same year, an order for granting a town on the Merrimack river in favor of soldiers under Captain Tyng, in the Indian war of 1703, who had made a difficult march in the winter, on snowshoes and had killed six Indians; this being stated to be the first attempt made against the enemy on snowshoes. Instead of any

now deceased the grant ran to their "male descendants wherein the preference shall be Given to the Eldest son." *Ib.* 105, chap. 229.

In the year 1768 an order for the survey of a township in favor of male descendants of soldiers in the expedition against Canada, 1690. The grant names the particular descendant (as in some other cases), never running to "heirs;" the eldest son or grandson probably being meant, if there were such survivor. *Ib.* XVIII. 344, chap. 26. See also *ib.* 386, chap. 25 (1770), carrying this into effect.

There were, on the other hand, many similar grants to officers and soldiers from 1735 to 1740, running only to their "heirs and assigns" or to their "heirs and legal representatives," or to their "heirs and descendants." What may have been the reason for the special limitation in other cases to the eldest son does not appear.

In the year 1767, a decree of the Probate Court for Worcester County came before the Legislature, by which decree land had been given to the eldest son of the decedent, upon his undertaking to pay the other children the value of their several interests. The son having found himself unable to carry out the undertaking, the case was now brought before the Legislature, where the difficulty was adjusted. No question of the validity of the decree appears to have arisen. *Ib.* 165, chap. 105.

The PRESIDENT then read the following paper:

## THE TRENT AFFAIR.

As, doubtless, all of us have had frequent occasion to observe, there are few occurrences which in their relative connection with other occurrences or with things at large do not assume with the lapse of time aspects strangely different. The passage of fifty years is a great dissolvent and clarifier. The international incident, still memorable, known as the affair of the *Trent* and the seizure by Captain Charles Wilkes, then commanding the *San Jacinto*, of Messrs. Mason and Slidell, the two Confederate envoys, occurred on the 8th of November, and the fiftieth recurrence of that date accordingly came about yesterday.

One living in those times who had then attained even a degree of maturity, that is, any man or woman now over sixty-five years of age, cannot but retain, if American, a distinct recollection of the incident, and a general memory at least of the excitement caused by it, and the intense interest with which every stage of its development was awaited. For such, however,

it is necessary also to bear in mind that the present great majority, those of the younger generations, do not have this vivid personal recollection of the events of that memorable period, and there are many whose ideas concerning the affair of the *Trent* are vague and, to say the least, unsettled. For instance, as an illustration in point let me relate an incident told me by my friend Mr. Moorfield Storey. Among the guests on one occasion at Mr. Storey's house was an intelligent young fellow, either a recent Harvard graduate or, possibly, in one of the older classes. He was also in a general way not ill informed, as men of that age go. Incidentally a reference was made to the assault of Preston Brooks on Charles Sumner in the United States Senate chamber, — very fresh and vivid in Mr. Storey's recollections. To his utter surprise this young man listened with interest, and then asked for further details, observing that he knew nothing about it, never having heard of the occurrence before! To us who lived in those times, such a lack of information upon really momentous historical events seems incomprehensible, almost astounding. Yet from personal experience I have reason to believe the case was in no wise exceptional.

With us of the Civil War generation the events of that period are, on the contrary, in the language of Milton, "writ large." They stand forth in memory, belittling where they do not altogether obscure the historical episodes of very considerable importance which have since occupied attention. It is, therefore, always peculiarly interesting to us — now lingerers from that bygone generation — to look back on those events through the perspective of fifty years, and, recalling our feelings at the time, note the different aspects those events now wear. Few are more well worth consideration from this point of view than the episode I have referred to, — the taking of the Confederate envoys, Messrs. Mason and Slidell, from the steamer *Trent* on November 8, 1861.

In pursuance of my present purpose, I do not propose to enter into any detailed narrative of what then occurred. So far as the facts are concerned, the incident has taken its place, and presumably its proper place, in recorded history. The field too has been thoroughly gleaned; and, though nearly twenty years have passed since the publication of Mr. Thomas

L. Harris's very thorough monograph entitled *The Trent Affair*, little light of value has in the intervening time been cast on the subject. The conclusions therein reached have been revised in no essential respect. In his *Life of William H. Seward*, Mr. Frederic Bancroft devotes to this incident his thirty-third chapter, and in that gives a thoroughly unprejudiced and critical account of what occurred. Reading it afresh, Mr. Bancroft's narrative strikes me as judicial; and, moreover, so far as Seward is concerned, while he in it nothing extenuates, he sets down naught in malice.

Before entering in the casual way now proposed on my historical narrative of the affair, I must first submit certain broad conclusions in regard to it, and the conditions under which it occurred.

Speaking generally, I think I do not remember in the whole course of the half-century's retrospect — equal to the period which elapsed between the surrender at Yorktown and the presidency of Andrew Jackson — any occurrence in which the American people were so completely swept off their feet, for the moment losing possession of their senses, as during the weeks which immediately followed the seizure of Mason and Slidell. Everything combined to this result. In the first place, when the incident occurred the community was in a wholly overwrought nervous condition. On the 8th of November, 1861, seven months had elapsed since the firing on Fort Sumter, and nearly four months since the mortifying Bull Run experience. It was exactly a year from the election to the presidency of Abraham Lincoln. That election, it will be remembered, had been immediately followed by the initial movement of South Carolina in the direction of secession. Then followed the trying winter of 1860 and 1861, during which State after State seceded, the war cloud in the South ever gathering, and assuming day by day a more threatening aspect. The five months which elapsed between the election of 1860 and the firing on Fort Sumter were probably the most trying period, psychologically, this country has ever passed through. The inevitable was constantly assuming a more portentous shape. At last in April war broke out. Thus in November, 1861, the country had been on tenter-hooks, so to speak, for twelve entire months, and during the last six of those months one mortification and

failure had followed sharp on another. The community, in a state of the highest possible tension, was constantly hoping for a successful coup somewhere and by someone executed in its behalf. It longed for a man who would do, taking the responsibility of the doing. While it was in this state of mind, the telegraph one day announced that the United States sloop of war *San Jacinto*, under the command of Captain Wilkes, had arrived at Fortress Monroe, having on board the two Confederate envoys, Mason and Slidell, taken on the high seas from the British mail steamer *Trent*. At last the hour seemed come, and with it a man. By one now seeking an explanation of what then occurred, all this must be borne in mind.

Thus worked up to the highest pitch of excitement, the feeling of the country had also been slowly fermenting to one of acute hostility towards Great Britain; and this for two reasons. In the first place, it had seemed as if, in view of its anti-slavery preachings during the last thirty years, and its somewhat Pharisaic, better-than-thou attitude towards America as respects the negro and his condition, Great Britain had failed to evince that sympathy towards us which was expected because of the Slaveholders' rebellion, and had, to say the least, done nothing to forward the cause of the Union in a crisis brought on by the aggressive action of the South. On the contrary, the attitude of England in general had been sneering as well as adversely critical; and the tone of the London *Times*, in particular, — for the *Times*, still known as "The Thunderer," was recognized as the first and most influential newspaper in the world, — had been distinctly unsympathetic, not to say antagonistic and otherwise acutely irritating. William H. Russell, the famous Crimean War correspondent, was also at that time in this country, and his letters regularly appearing in the *Times* as "from our special correspondent" were republished and read in America to an extent which can hardly now be understood. Anxiously waited for, and printed *in extenso* in all the leading journals, extracts from them were to be found in every paper in the land. Russell had been to a certain extent present at Bull Run, and a witness of our disgrace. While his account of what he saw on that occasion was photographic and strictly correct, we none the less had become morbidly conscious that there was "a chiel amang [us]

taking notes," and the "notes" he took when seen in "prent" caused a degree of irritation at this day difficult to describe or overstate. Thus morbidly excited and intensely sensitive, the country was in a thoroughly unreasoning and altogether unreasonable condition, very necessary now to emphasize; for it needed only the occurrence of some accident to lead to a pronounced explosion of what can only be described as Anglophobia. Discouraged, we had in fact only begun to settle down to the conviction that a long and uncertain struggle was before us. With all conditions, therefore, explosive, so to speak, in character, the incident of the *Trent* came like a bolt from a clouded and lowering sky; but it was a shell exploding in a powder magazine rather than a spark falling in a mass of combustible matter.

The course of events, briefly stated, was as follows: — Immediately after the firing upon Fort Sumter, Jefferson Davis, President of the then newly organized Confederate States, had sent out to Europe agents to forward the interests of the proposed nationality. These agents had there spent some seven months, accomplishing little. Disappointed at their failure, Davis determined upon a second and more formal mission. The new representatives were designated as "Special Commissioners of the Confederate States of America, near the Government" whether of Great Britain or of France, as the case might be. James Murray Mason of Virginia and John Slidell of Louisiana were selected, the first named for London, the second for Paris. Both, it will be remembered, had recently been Senators of the United States, Slidell having withdrawn from the Senate February 4, 1861, immediately after the passage of the Ordinance of Secession by the State of Louisiana; while Mason, having absented himself about March 20, during the session of the Senate for executive business, did not again take his seat. Virginia seceded April 17, and Mason, together with several other Southern Senators, was in his absence expelled by formal vote (July 11) at the special session of the Thirty-Seventh Congress, which met under the call of President Lincoln, July 4, 1861. Probably no two men in the entire South were more thoroughly obnoxious to those of the Union side than Mason and Slidell. The first was, in many and by no means the best ways, a typical Virginian. Very provincial and in-

tensely arrogant, his dislike of New England, and especially of Massachusetts, was pronounced, and exceeded only by his contempt.[1] It was said of him at the time that when trouble was brewing and he was invited to make a speech in Boston, he had replied that he would not again visit Massachusetts until he went there as an ambassador. Slidell, on the other hand, was considered one of the most astute and dangerous of all Confederate public characters. An intriguer by nature, unscrupulous in his political methods, he was credited with having fraudulently defeated, by secret manipulations, the Clay ticket in Louisiana in the 1844 presidential election, and was generally looked upon as the most dangerous person to the Union the Confederacy could select for diplomatic work in Europe.[2] The first object of the envoys was to secure the recognition of the Confederacy. The ports of the Confederate States were then blockaded; but the blockade had not yet become really effective. The new envoys selected Charleston as their port of embarkation, and October 12 as its date. The night of the 12th was dark and rainy, but with little

[1] The course of subsequent events in no way mollified these antipathies. Writing from London to a daughter in Virginia thirteen months (April 5, 1866) after the delivery of Lincoln's second inaugural, he thus expressed himself: — "In my varied intercourse with the world, I have met with some whom I held in disesteem, with others in contempt, as unworthy, and some few who were essentially *bad;* but, in looking back, I do not recognize that my feelings toward any such amounted to acrimony, or *insuperable hate.* Now it is otherwise. I confess, that toward every man or thing North, there has arisen within me a feeling of detestation that I cannot express or qualify, if I would. In the war they waged against us, they were demons — in victory, they proved themselves fiends. There are, of course, individual exceptions I doubt not, but I have yet to learn of one prominent man there who has, since the rupture, expressed a sentiment, or evinced a feeling, that would not be held a disgrace to manhood elsewhere." *The Public Life and Diplomatic Correspondence of James M. Mason*, 581.

[2] W. H. Russell thus wrote of Mr. Slidell in a letter to the *Times*, which appeared in its issue of December 10, 1861: — "Mr. Slidell, whom I had the pleasure of meeting in New Orleans, is a man of more tact and he is not inferior to his colleague Mr. Mason in other respects. He far excels him in subtlety and depth, and is one of the most consummate masters of political manœuvre in the States. He is what is here called a 'wire-puller' — a man who unseen moves the puppets on the public stage as he lists — a man of iron will and strong passions, who loves the excitement of combinations, . . . and who in his dungeon [at Fort Warren], or whatever else it may be, would conspire with the mice against the cat sooner than not conspire at all. . . . Originally a northern man, he has thrown himself into the southern cause and staked his great fortune on the issue without hesitation, and with all the force of his intellect and character. And even he believed that England must break the blockade for cotton."

or no wind, conditions altogether favorable for their purpose. They left Charleston on the little Confederate steamer *Theodora*, evaded the blockading squadron, and reached New Providence, Nassau, two days later, the 14th. It had been the intention of the envoys to take passage for Europe at Nassau on an English steamer; but, failing to find one which did not stop at New York, the *Theodora* continued her voyage to Cardenas in Cuba, whence the envoys and those accompanying them proceeded overland to Havana. Arriving at Havana about the 22d of October, Messrs. Mason and Slidell remained there until the 7th of November. They then embarked on the British steamer *Trent*, the captain of the *Trent* having full knowledge of their diplomatic capacity as envoys of an insurgent community, and giving consent to their embarkation. The *Trent* was a British mail packet, making regular trips between Vera Cruz, in the Republic of Mexico, and the Danish Island of St. Thomas. She was in no respect a blockade runner; was not engaged in commerce with any American port; and was then on a regular voyage from a port in Mexico, by way of Havana, to her advertised destination, St. Thomas, all neutral ports. At St. Thomas direct connection could be made with a line of British steamers running to Southampton. The envoys, therefore, when they left Havana, were on a neutral mail steamer, sailing under the British flag, on a schedule voyage between neutral points.

At just that time the United States war steamer, *San Jacinto*, a first-class screw sloop mounting fifteen guns, was returning from a cruise on the western coast of Africa, where for twenty months she had been part of the African squadron engaged in suppressing the slave trade. She was commanded by Captain Wilkes, who had recently joined her. Returning by way of the Cape Verde Islands, Captain Wilkes there learned from the newspapers about the last of September of the course of public events in the United States, and rumors reached him of Confederate privateers, as they were then called, destroying American vessels in West India waters. He determined to make an effort at the capture of some of these "privateers." On October 10th the *San Jacinto* reached the port of St. Thomas, and subsequently touched at Cienfuegos on the south coast of Cuba. There Captain Wilkes learned, also from

the newspapers, that the Confederate envoys were at that very time at Havana, and about to take passage for Southampton. Reaching Havana on the 28th of October, the commander of the *San Jacinto* further learned that the commissioners were to embark on the steamer *Trent*, scheduled to leave Havana on the 7th of November. Captain Wilkes then conceived the design of intercepting the *Trent*, exercising the right of search, and making prisoners of the envoys. No question as to his right to stop, board, and search the *Trent* seems to have entered the mind of Captain Wilkes. He did, however, take into his confidence his executive officer, Lieutenant Fairfax, disclosing to him his project. Lieutenant Fairfax entered, it is said, a vigorous protest against the proposed action, and strongly urged on Captain Wilkes the necessity of proceeding with great caution unless he wished to provoke international difficulties, and not impossibly a war with Great Britain. He then suggested that his commanding officer consult an American Judge at Key West, an authority on maritime law; which, however, Captain Wilkes declined to do. Leaving Key West on the morning of November 5th, Captain Wilkes directed the course of the *San Jacinto* to what is known as the Bahama Channel, through which the *Trent* would necessarily pass on its way to St. Thomas, and there stationed himself. About noon on the 8th of November, the *Trent* hove in sight, and when she had approached sufficiently near the *San Jacinto*, a round shot was fired athwart her course; the United States flag was run up at the mast head at the same time. The approaching vessel showed the English colors, but did not check her speed or indicate a disposition to heave to. Accordingly, a few instants later, a shell from the *San Jacinto* was exploded across her bows. This had the desired effect. The *Trent* immediately stopped, and a boat from the *San Jacinto* proceeded to board her. It is unnecessary to go into the details of what then occurred. For present purposes it is sufficient to say that the two envoys, together with their secretaries, were identified and forcibly removed, being taken on board the *San Jacinto;* which, without interfering with the mails or otherwise subjecting the *Trent* to search, then laid its course for Fortress Monroe. Arriving there on the 15th, news of the capture was immediately flashed over the country. The *Trent*, on the other hand,

proceeded to St. Thomas, where her passengers were transferred to another steamer, and completed the voyage to Southampton. They arrived and the report of the transaction was made public in Great Britain November 27th, twelve days after the arrival of the *San Jacinto* at Fortress Monroe, and the publication of the news of the arrest in the United States.

Such were the essential facts in the case, and, while a storm of enthusiastic approval was sweeping over the northern part of the United States in the twelve days between November 15th and November 27th, a storm of indignation of quite equal intensity swept over Great Britain between November 27th and the close of the year.[1] Most fortunately there was no ocean cable in those days, and the movement of the Atlantic steamers was comparatively slow. Accordingly the first intimations of the commotion caused in Great Britain by the action of Captain Wilkes did not reach America until the arrival of the *Hansa* at New York, December 12. Strange as it now seems, therefore, almost an entire month had elapsed between the arrival of the *San Jacinto* at Fortress Monroe (November 15) and the receipt in America (December 12) of any information as to the effect of the seizure of the envoys on the British temper. A most important fact to be now borne in mind.

In reading the accounts of what occurred in America between November 15 and December 26, and seeing the recorded utterances of persons whose names carried authority, it is now most curious to observe the confusion of idea which seemed to exist as to the principles of international law involved, and the apparent utter inability of all concerned to exercise their reason to the extent of preserving consistency of thought or action. The affair was looked at from diverse and several points of view;

[1] Two exceptionally well-informed Americans, long resident in Great Britain, then wrote, the one from London to Mr. Seward, and the other from Edinburgh to his uncle, a citizen of New York: — "There never was within memory such a burst of feeling as has been created by the news of the boarding of the [*Trent*]. The people are frantic with rage, and were the country polled, I fear that 999 men out of a thousand would declare for immediate war. Lord Palmerston cannot resist the impulse if he would;" the other, under the same date, November 29: — "The excitement consequent upon the insult to the British flag by the U. S. Frigate, *San Jacinto*, has entirely monopolized the public mind. I have never seen so intense a feeling of indignation exhibited in my life. It pervades all classes, and may make itself heard above the wiser theories of the Cabinet officers." — *War Records*, Series II. II. 1107, 1131.

and the point of view implied a great deal. The situation reminds one, in fact, of Browning's poem of "The Ring and the Book," where, it will be remembered, the poet approaches the mystery from the point of view of each participant in it, — whether the woman who was murdered, the husband who murdered her, the counsel of the one and of the other, the gossip of one half of Rome and the other half of Rome, and finally from the standpoint of the Pope. So, to understand what was then said and done, the status and capture of the Confederate envoys has to be looked at from the Confederate point of view, from the Union point of view, from the English point of view, and, primarily, from the Captain Charles Wilkes point of view. Seen through the perspective of fifty years, it may now with reasonable assurance be asserted that, in the controversy which ensued, the United States did not have, and never had, in reality, a justifying leg to stand upon, and least of all was there any possible justification for the course pursued by Captain Wilkes. In the first place, Wilkes, commanding a United States ship of war, had not been in communication with his government for months. He had received no instructions; he was not even officially advised of the existence of a blockade; and only through the newspapers and current gossip did he know of the attitude his own government had assumed towards the so-called Confederacy. According to his own statement subsequently made, he did have some treatises on international law in the cabin of the *San Jacinto*, and he consulted them.[1] From these he satisfied himself that accredited envoys were "contraband"; but he ignored the fact that the Confederacy had not been recognized by the United States Government, or by any foreign government, and that the so-called "envoys" were merely "private gentlemen of distinction," citizens of certain States then in insurgency, trying to effect a transit to foreign countries. They were unques-

[1] "When I heard at Cienfuegos on the south side of Cuba of these commissioners having landed on the Island of Cuba and that they were at the Havana and would depart in the English steamer on the 7th of November, I determined to intercept them and carefully examined all the authorities on international law to which I had access, viz., Kent, Wheaton and Vattel, besides various decisions of Sir William Scott and other judges of the admiralty court of Great Britain which bore upon the rights of neutrals and their responsibilities." Official report of Captain Wilkes to the Secretary of the Navy. *War Records*, Series II. II. 1098.

tionably embarked under a neutral flag, upon a mail steamer making its regular passage from one neutral port to another. Nevertheless, *pro hac vice*, Captain Wilkes invested the envoys in question with an official character which his government distinctly refused to allow them, and then proceeded on the assumption that ambassadors were "embodied despatches," to exercise on the high seas a right of search of a most questionable character; and, in so doing, he further constituted himself, in the person of his subordinate, a Prize Court, adjudicating on the deck of a neutral ship forcibly halted in its passage as to what personages should be seized, what persons and property should be exempted from seizure, as to how far the process of search should be carried, and generally what course under the conditions given should be pursued. Accordingly, while forcible possession was taken of the persons of the two envoys, no inquiry whatever was made as to their despatch bags, which, when the purpose of the procedure was suspected, had been handed over by the Commissioners to the British mail agent, and been by him deposited in his mail-room. They were subsequently in due course delivered to the agents of the Confederacy in England.

Incidentally it may here be observed that this proceeding on the part of Commander Williams, the mail agent in question, was in plain violation both of recognized British principles and precedents regulating the obligations of neutrals as also of the Queen's proclamation of the previous May; for that ordinance specifically warned all British subjects against "carrying officers, soldiers, despatches . . . for the use or service of either of the said contending parties." An English publicist of recognized authority was, moreover, at that very time pronouncing the conveyance of despatches a "service" of the "most noxious and hostile character." Clearly, then, Commander Williams by the acceptance of these despatches, knowing them to be such, from a recognized envoy of one of the belligerents, gravely compromised the steamer *Trent* as well as himself. On this point there was no room for doubt; but, on the other hand, every Cunard steamer which crossed the Atlantic — and no others crossed it then — carried despatches from the other belligerent, officially received and delivered as such, and this not between neutral ports, but between New York or

Boston and Liverpool. Indeed, if the carrying of despatches and envoys had been disallowed, in strict accordance with the letter of the proclamation of May, it would have been necessary at that time for the United States Government to have installed an armed ocean mail and passenger service of its own. It cannot be denied that, as the British authorities laid the law down, and Captain Wilkes put it in practical operation, the ocean situation was mixed. Or, as an American publicist writing at the time, but without the slightest sense of suppressed humor, observed, "it must be admitted that the subject is an embarrassing one." [1] In point of fact it was a farrago of absurdities, contradictions and incongruities, over which learned men pondered and young girls prattled [2] with results about equally satisfactory.[3]

Recurring from this digression to what occurred November 8th in the Bahama Channel, the officer deputed for the work by Captain Wilkes, acting under his instruction, thus, it appeared, arrested and seized only the "embodied despatches"; the despatches themselves were, it would seem, not made matter

[1] Dana, *Wheaton*, 659 *n.* [2] Rhodes, *History*, III. 522 *n.*

[3] The quite unintelligible and somewhat ludicrous state of what is termed Law, of the International variety, so far as the topic here in question is concerned, is presented in a concrete shape in Moore's *Digest*, VII. 768–779. The authorities are there cited and the discussions of the *Trent* precedent referred to. The difficulty seems to arise from the attempt seriously made to apply the principles laid down by Vattel, etc., and the precedents established by Lord Stowell to present conditions. The existence of modern lines of common-carrier transportation of passengers, merchandise and mails under neutral flags between points not actually blockaded — lines like the Peninsula and Oriental, the Cunard and the White Star — seems not to have occurred to the publicists; while in fact the applying to the ships of such lines the rules under which Captain Wilkes thought he proceeded, and the application of which Mr. Seward afterwards gravely discussed, is hardly less opposed to reason and common sense than would be the attitude and efforts of a tailor who endeavored to adjust the dress of a seven-year-old boy to the body and limbs of the same boy when grown to be a man of unprecedented size. In each case the attempt is, or would be, unfortunate, and lead inevitably to results unexpected if not impossible. This apparently is the one real lesson the world derived from the *Trent* affair. It seems to be questionable, however, whether either the statesmen at the time took in the fact or the publicists since have realized it, and the consequent utter futility of what they attempted. Let the investigator substitute *Lusitania* for *Trent*, and consider what would necessarily result. Today, the procedure of Captain Wilkes would, if of possible occurrence, be justly looked upon as showing *prima facie* evidence of insanity in the case of a naval officer responsible for it. Its single possible justification by his government would be found in Juvenal:

*Hoc volo, sic jubeo, sit pro ratione voluntas.*

even of inquiry. As to this theory of "embodied despatches" in the persons of "private gentlemen of distinction," known by general fame to be the agents of certain States in insurrection and an admitted "belligerent" but not as yet a recognized nationality, that was a figment of international law for which no precedent could be found in the treatises, devised *pro hac vice* by Captain Charles Wilkes, U. S. N.

Dismissing for the moment the extraordinary international law propositions involved, and recurring to the Wilkes point of view, it is obvious that today any such action as that then taken by him would on the part of a naval officer be simply inconceivable. A similar hypothetical case needs only to be suggested in connection with the hostilities now going on in the Mediterranean between the Kingdom of Italy and the Ottoman Empire. Such a thing as a United States mail steamer running between New York, Gibraltar and Alexandria may not now exist, but it is supposable; and in such case the flag would certainly be found to signify something as respects personages as well as mail-bags. The celebrated Koszta case of more than half a century ago, though not a precedent strictly in point, would be revived in memory, and the spirit therein displayed again invoked. The conduct of a commander of a United States armed ship of superior force who, chancing to be in those waters, at once intervened, and forcibly "rescued" both mail-bags and persons from those who had thus exercised an alleged right of search and seizure, would be promptly approved and sustained. But, under the conditions I have referred to as prevailing in this country in the autumn and early winter of 1861, Captain Wilkes' conduct was officially approved by certain of those in authority, especially by the Secretary of the Navy and by the United States House of Representatives. It was even contended by high authorities that his acts were in substantial accordance with well-established principles of international law, to which, of course, when our turn came, we would yield a cheerful and graceful acquiescence. In other words, just fifty years later, the contentions and War of 1812 were on our part all a mistake; the British attitude at that time was correct, and the right of search, arrest and impressment were at last by us fully conceded!

Such was the logical aspect of the matter from the Wilkes

point of view. Next perhaps to be considered in this cool semi-centennial perspective light are the popular, the official and the juristic points of view then assumed. So doing really now makes one who then lived and actively participated feel a little foolish; there is, however, a discipline, and even lesson perhaps, in a remorseless retrospect.

Personally, I have a vivid recollection of the day when the news of the seizure was flashed to Boston, and hurriedly placarded on the newspaper bulletin boards.[1] A youthful legal practitioner, I was then a man of twenty-six. I had studied, or made an at least honest pretence of so doing, in the office of Richard H. Dana, Jr. Mr. Dana was deemed as high an authority on maritime law as there was at the American bar. Reading the announcement on the bulletin board, I hurried up to his office, and communicated the startling news. Well do I remember his reception of it. His face lighted up, and, clapping his hands with satisfaction over the tidings, he expressed his emphatic approval of the act, adding that he would risk his "professional reputation" on its legality. And this was the view universally expressed and generally accepted.

The *San Jacinto*, having put into Fortress Monroe on the 15th of November, was, for various reasons, ordered to proceed at once to New York, and thence to Boston, there to deliver its prisoners for safe-keeping. Captain Wilkes anchored his ship in Boston harbor on the 24th of November, and two days later a banquet was given him and his officers at the Revere House, the Hon. J. Wiley Edmands presiding. Mr. Edmands, prominent among the solid business men of Boston of that period, lived at Newton and was treasurer of the Pacific Mills; a Webster Whig in politics, he had been a member of the Thirty-Third Congress. The speakers on this occasion seemed to vie with each other in establishing a record from which thereafter it would be impossible to escape. For instance, John A. Andrew, then Governor of Massachusetts, a man really great but of somewhat impulsive disposition, had been present in the office of the Secretary of the Navy when the news of the

[1] Saturday, November 16. On the afternoon of that day the following despatch was sent from Washington: "The intelligence of the capture of Slidell and Mason has diffused the greatest possible joy among all the citizens, including the Government officials from the President down to the humblest messenger."

seizure came in. Literally swept off his feet, he had then sprung upon a chair and been prominent in the tumult of cheering which followed the announcement. He now at this banquet declared that the act of Captain Wilkes had shown "not only wise judgment, but [was marked by] manly and heroic success." He referred to it as "one of the most illustrious services that had made the war memorable"; and then most unnecessarily capped the climax of indiscretion by declaring to a delighted audience "that there might be nothing left [in the episode to] crown the exultation of the American heart, Commodore Wilkes fired his shot across the bows of the ship that bore the British Lion at its head." On the same occasion George T. Bigelow, then Chief Justice of Massachusetts, committed himself to an almost though not quite similar extent. First he voiced the very prevalent feeling already referred to, saying: — "In common with all loyal men of the North, I have been sighing, for the last six months, for some one who would be willing to say to himself, 'I will take the responsibility'; and who would not only say this, but when the opportunity offered would take the responsibility." The Chief Justice of our Supreme Court then went on to declare that "Commodore Wilkes acted more from the noble instincts of his patriotic heart, than from any sentence he read from a law book"; adding that, under such circumstances, "a man does not want to ask counsel, or to consult judges upon his duty; his heart, his instinct, tells him what he ought to do." Well might the London *Times* in commenting on the affair observe shortly after — "These are wild words from lawyers." Captain Wilkes then, in language indicative of singular confusion of thought, said that before he had decided on his course, he had examined the authorities, and satisfied himself that these so-called envoys had none of the rights attaching to such functionaries when properly appointed; and, concluding that it was within his function to capture written despatches, assumed consequently that he had a right to take from under a neutral flag personages of distinction as the embodiment of despatches.[1]

At Washington the Secretary of the Navy next addressed a

[1] An account of the banquet will be found in the *Boston Evening Transcript*, November 27, 1861.

congratulatory letter to Captain Wilkes on the "great public service" he had rendered, giving to his proceeding the "emphatic approval of this department." He, however, took pains to insist that the forbearance of the commander of the *San Jacinto* in this instance in not seizing the *Trent* and sending it into port for adjudication by a Prize Court "must by no means be permitted to constitute a precedent hereafter for the treatment of any case of similar infraction of neutral obligations." In his annual official report a few days later, Secretary Welles further stated that the "prompt and decisive action of Captain Wilkes on this occasion merited and received emphatic approval." On Monday, December 2, Congress assembled, and before the close of the first day's session Mr. Lovejoy, of Illinois, offered a joint resolution thanking Captain Wilkes, "for his brave, adroit and patriotic conduct in the arrest and detention of the traitors, James M. Mason and John Slidell." This resolution was passed by a unanimous vote; and, furthermore, the President was requested to present to Captain Wilkes "a gold medal with suitable emblems and devices, in testimony of the high sense entertained by Congress of his good conduct," etc.[1] As to the irresponsible outpourings and journalistic utterances of those delirious three weeks, it is no exaggeration to say that, read today, they are more suggestive of the incoherences of the inmates of an insane asylum than of any well-considered expression of the organs of a sober and policed community, — a community which half a century only before had gone to war in defence of the great principles of immunity from ocean search, and seamen's rights.

But, most noticeable and, perhaps, most suggestive of all the phases of that madness, were the utterances of the publicists, the supposed authorities on international law and those who should have shown themselves the calmly poised leaders of public opinion. Here are some of them: — Theophilus Parsons was Dane professor of law at Harvard. Professor Parsons hurried into print with the following dictum: — "I am just as certain that Wilkes had a legal right to take Mason and Slidell from the *Trent*, as I am that our Government has a legal right to blockade the port of Charleston." Caleb Cushing, in the administration of Franklin Pierce Attorney-

[1] *War Records*, Series II. II. 1113.

General of the United States, was a publicist, and a reputed legal authority. Mr. Cushing now wrote: — "To conclude then: In my judgment, the act of Captain Wilkes was one which any and every self-respecting nation must and would have done by its own sovereign right and power, regardless of consequences. It was an act which it cannot be denied Great Britain would have done under the same circumstances. At the same time, it was an act amply justified by the principles and doctrines of international jurisprudence."

I have already referred to R. H. Dana, and his exclamation on first hearing of Captain Wilkes' performance. Mr. Dana now wrote in an unsigned communication to the Boston *Advertiser:* — "In the present case, the mission [of the two envoys] is in its very nature necessarily and solely a mission hostile to the United States. It is treason within our municipal law, and an act in the highest degree hostile within the law of nations. If a neutral vessel intervenes to carry such persons on such a mission she commits an act hostile in the same degree. . . . We rather look to see Mr. Seward or Mr. Adams call the immediate attention of Her Majesty's Government to this violation of neutrality than to see Lord Lyons or Earl Russell addressing our Government on the subject."

Finally, Edward Everett, formerly the representative of the country at the Court of St. James and an ex-Secretary of State, than whom no one stood higher in general estimation as an authority on topics of this character, thus publicly expressed himself: — "You see that there is not the slightest ground for apprehension that there is any illegality in this detention of the mail packet; that the detention was perfectly lawful, the capture was perfectly lawful, their confinement in Fort Warren will be perfectly lawful, and as they will no doubt be kept there in safety until the restoration of peace — which we all so much desire — we may, I am sure, cordially wish them a safe and speedy deliverance."[1]

[1] In an address on the State of the Country, delivered before the Middlesex Mechanics' Association, at Lowell, on Tuesday evening, December 24, 1861.

There has been a diversity of statement as respects Lewis Cass and his attitude and utterances in this connection. By some it has been asserted that he also was positive that the action of Captain Wilkes was justifiable, both on principle and by precedent. Such, however, was in no degree the case. On the contrary, the only recorded expression of opinion by Mr. Cass is refreshing

But the time at our disposal would not nearly admit of going through all the kaleidoscopic phases of this singular but most interesting and instructive international episode. The point of view now changes. We must imagine ourselves in London, and Englishmen.

On Tuesday, November 12, four days after the actual seizure of Messrs. Mason and Slidell, but fifteen days before an intimation of it reached England, Mr. Adams, then representing the country at the Court of St. James, made this diary entry — "Received a familiar note from Lord Palmerston, asking me to call and see him between one and two o'clock." The note, of the briefest possible character, read as follows: —

92 Piccadilly, 12 Nov., 1861.

My dear Sir:

I should be very glad to have a few minutes conversation with you; could you without inconvenience call upon me here today at any time between one and two.

Yrs faithfully

Palmerston.

The Honbl. Mr. Adams.

Though Mr. Adams had at this time been nearly six months in London, his official relations had been exclusively with Earl Russell; and, though he had met Lord Palmerston several times, and more than once been a guest at Cambridge House,

from its correctness; its practical view of the matter also strongly coincided with what Lord Palmerston, as will next be seen, had said to Mr. Adams shortly before. The conclusions of General Cass are found in a letter addressed to Secretary Seward from Detroit, on the 19th of December, 1861. In his retirement from active political life, General Cass then wrote: — "Though I think it was justifiable upon the grounds laid down and acted upon by England, yet I considered it a most useless and unfortunate affair — an affair which from its evident importance should never have been undertaken by Captain Wilkes without express orders from his Government, and his interference is the more inexcusable as he states in his report that in his search into the authorities upon the law of nations he could find no such case decided and was brought to consider the rebel commissioners as the 'embodiment of despatches' — I think is his phrase — in order to justify the arrest; a strange reason to be officially given for such a procedure. And what has amazed me more than anything else in this whole affair are the laudations bestowed upon Captain Wilkes for his courage in taking three or four unarmed men out of an unarmed vessel." *War Records*, Series II. II. 1132. This position was all the more significant as Cass, when Secretary of State, had clearly and fully laid down the American principles of neutral rights in a despatch, June 27, 1859, addressed to John Y. Mason, then Minister to France.

their intercourse had been social only. A few days before Mr. Adams had been present at the Lord Mayor's dinner, and had been one of the speakers on that occasion. In his diary entry is the following: "The only marking speech being one from Lord Palmerston which had his customary shrewdness. He touched gently on our difficulties and at the same time gave it clearly to be understood that there is to be no interference for the sake of cotton." Shortly after, but before the news of the *Trent* affair arrived, Mr. Adams made the following further diary entry: — "In the evening Mrs. Adams and I went by invitation to Lady Palmerston's. A few persons only, after one of her dinners. We had been invited to dine ourselves, last Saturday, and are again invited for next Saturday evening. This civility is so significant that it must by no means be declined. . . . I touched Lord Palmerston a little on the event of the day, [the burning of the *Harvey Birch* by the Confederate cruiser *Nashville*], and reminded him of the connection which the *Nashville* had with our former conversation. He seemed good-natured and rather desirous to get information as to grounds on which to act." The relations between the two men had accordingly thus far been of an altogether friendly character. The diary entry of November 12 goes on as follows: —

This (Lord Palmerston's note) took me by surprise, and I speculated on the cause for some time without any satisfaction. At one o'clock I drove from my house over to his, Cambridge House in Piccadilly. In a few minutes he saw me. His reception was very cordial and frank. He said he had been made anxious by a notice that a United States armed vessel [1] had lately put in to Southampton to get coal and supplies. It had been intimated to him that that object was to intercept the two men, Messrs. Mason and Slidell, who were understood to be aboard the British West India steamer expected to arrive tomorrow or next day. He had been informed that the Captain, having got gloriously drunk on brandy on Sunday had dropped down to the mouth of the river yesterday as if on the watch. He did not pretend to judge absolutely of the question whether we had a right to stop a foreign vessel for such a purpose

[1] The *James Adger*, commanded by Captain J. B. Marchant. In regard to this incident, see *Charles Francis Adams* (Am. Statesmen Series), 222–224; *Records of Union and Confederate Navies*, I. 128, 224; Adams, *Studies: Military and Diplomatic*, 394.

as was indicated. Even admitting that we might claim it, it was yet very doubtful whether the exercise of it in this way could lead to any good. The effect of it here would be unfavorable, as it would seem as if the vessel had come in here to be filled with coal and supplies, and the Captain had enjoyed the hospitality of the country in filling his stomach with brandy, only to rush out of the harbor and commit violence upon their flag. Neither did the object to be gained seem commensurate with the risk. For it was surely of no consequence whether one or two more men were added to the two or three who had already been so long here. They would scarcely make a difference in the action of the government after once having made up its mind.

The remainder of this diary entry is long, and not germane to the present occasion. I, therefore, omit it. But the extreme significance of the intimation thus unofficially and pleasantly conveyed was not apparent at the time; indeed it was not fully disclosed until half a century later. Mr. Adams never knew the motive cause of the interview he was describing, and consequently never appreciated the really kind purpose behind this most friendly action of the man at the head of the government to which he was accredited. It was an effort to forestall and prevent an international complication even more objectless than it was dangerous, a senseless wrangle over two men who were of no consequence anyway.

To appreciate the true significance of the interview described in his diary by Mr. Adams it is necessary to bear in mind that it took place on the 12th of November, the Confederate envoys having been taken on the 8th from the *Trent*. On the day preceding his talk with Mr. Adams, Lord Palmerston, it now appears, had addressed the following letter to J. T. Delane, the editor of the *Times:*

94, Piccadilly, November 11, 1861.

My dear Delane:

It may be useful to you to know that the Chancellor, Dr. Lushington, the three Law Officers, Sir G. Grey, the Duke of Somerset, and myself, met at the Treasury today to consider what we could properly do about the American cruiser come, no doubt, to search the West Indian packet supposed to be bringing hither the two Southern envoys; and, much to my regret, it appeared that, according to the principles of international law laid down in our courts by Lord Stowell, and practised and enforced by us, a belligerent has a right

to stop and search any neutral not being a ship of war, and being found on the high seas and being suspected of carrying enemy's despatches; and that consequently this American cruiser might, by our own principles of international law, stop the West Indian packet, search her, and if the Southern men and their despatches and credentials were found on board, either take them out, or seize the packet and carry her back to New York for trial. Such being the opinion of our men learned in the law, we have determined to do no more than to order the *Phaeton* frigate to drop down to Yarmouth Roads and watch the proceedings of the American within our three-mile limit of territorial jurisdiction, and to prevent her from exercising within that limit those rights which we cannot dispute as belonging to her beyond that limit.

In the meanwhile the American captain, having got very drunk this morning at Southampton with some excellent brandy, and finding it blow heavily at sea, has come to an anchor for the night within Calshot Castle, at the entrance of the Southampton river.

I mention these things for your private information.

Yours sincerely,

PALMERSTON.

And, the following day, immediately after his talk with Mr. Adams, he further wrote: —

MY DEAR DELANE:

I have seen Adams today, and he assures me that the American paddle-wheel was sent to intercept the *Nashville* if found in these seas, but not to meddle with any ship under a foreign flag. He said he had seen the commander, and had advised him to go straight home; and he believed the steamer to be now on her way back to the United States. This is a very satisfactory explanation.

Yours sincerely,

PALMERSTON.

While the opinion of the officers of the Crown referred to was no mystery at the time, and is mentioned, though in much more general language, by Spencer Walpole in his *Life of Lord Russell* (II. 354–356), yet the statement here made of that opinion by Lord Palmerston is well calculated to excite surprise. It will be noticed that the officers referred to — the Lord Chancellor, Westbury, and Dr. Lushington being among them — are said to have laid it down as law that the belligerent had a right to stop and search any neutral, not being a ship of war, on the high seas, suspected of carrying enemy's de-

spatches. Consequently, then, in this case, the Southern insurgents having been granted belligerent rights, the *San Jacinto* might, on English principles of international law, stop the *Trent*, search her, and if the Southern men were on board, either do exactly what Captain Wilkes had already just done, — take them out, and then allow the packet to proceed on its voyage, — or seize the packet and carry her to some American port for trial and adjudication as prize.

Here is indeed another turn of the *Trent* kaleidoscope, — a British turn! That just half a century ago such an opinion as this should have been advanced as accepted international law seems incredible. It indicates clearly how confused, as well as archaic, the principles of that law were at the time in question in the minds of those supposed to be learned in it. No war involving maritime rights to any considerable extent had occurred since Waterloo. The precedents established in the English Prize Courts in the days of Napoleon's "Continental System" and the British "Orders in Council," and the principles then laid down, utterly regardless as they notoriously had been of the rights of neutrals, were held to be still law. Those precedents and rulings were of the most miscellaneous description and arbitrary character. Meanwhile, the world had progressed. It is, therefore, simply astounding to us in 1911 that the law officers of the Crown should in 1861 have advised her Majesty's government that an American ship-of-war might lie in the straits of Dover, and, having reason to suppose that an emissary of the Confederacy, carrying despatches, was on a certain steamer, — the Calais packet, for instance, — could stop the steamer in question, subject it to search, and either take out the envoy referred to, and his despatches, leaving the steamer then to complete its course, or could pronounce her a prize of war for violation of neutrality, and send her into port for adjudication! Or, to put the case in a different way, difficulties of a revolutionary character have recently occurred in Mexico, and are now, as is well known, agitating Portugal. Is it supposable that a Mexican or Portuguese man-of-war commissioned by the recognized government, rights of belligerency having for reasons of commerce or humanity been conceded, — is it, I say, even remotely supposable that, under such circumstances, a Mexican or Portu-

guese battleship could now lie in wait off Long Island on the course of the trans-Atlantic steamers, and, having sufficient reason to believe that either despatches were being carried in those steamers, or that a Mexican or Portuguese envoy was among its passengers, could proceed to stop and search the ocean-liner, forcibly arrest the persons in question, and with them steam away, or, then and there, compel the ship — the *Lusitania* or the *Oceanic*, let us say — to abandon its voyage, and send it into a Mexican or Portuguese port for adjudication![1] The thing is too absurd for a moment's consideration. Yet then it seems to have been laid down as the accepted law of Great Britain; and according to Lord Chancellor Westbury and Dr. Lushington, Mr. George Sumner, the brother of the Senator of the same name, was not wrong when at this time (November 22) he wrote to the New York *Tribune* that, "The act of Commodore Wilkes was in strict accordance with the principles of international law recognized in England, and in strict conformity with English practice." One American at least seems here to have then spoken correctly and by the book. He said "English principles" and "English practice"! If it was law and practice in Great Britain then, it was law and practice nowhere else; least of all in the United States.

But was the position thus taken sound as a proposition of even British law? This is open to grave question; nor did it pass unchallenged at the time. The point was well put by the Duke of Argyll, himself a member of the British ministry, in a letter to Mr. Adams written on the 25th of the following January.[2] Referring to the objection subsequently made to the

[1] These very instances were at the time cited as possibilities by Earl Russell in his despatch to Lord Lyons, closing the discussion on the side of the British government. In addition thereto the following — "So also a Confederate vessel-of-war [*e. g.* the *Alabama*] might capture a Cunard steamer on its way from Halifax to Liverpool, on the ground of its carrying despatches from Mr. Seward to Mr. Adams." It is difficult now of belief that in 1861 an experienced American naval officer should have undertaken to establish a precedent logically implying such obvious consequences, and this on his own initiative; that the most learned legal authorities in America should have unequivocally sustained him in such an act, insisting on its unquestionable legality, fairly surpasses belief. Yet the evidence is conclusive that at the time American public opinion was well-nigh unanimous in support of the proposition, and had persuaded itself, or was persuaded, that Great Britain should be held to a future strict responsibility and account for failing to give immediate and willing assent to it.

[2] See p. 137, *infra*.

act of Captain Wilkes that the *Trent* was not taken into port for adjudication, he characterized it as one made on "a narrow and technical ground." He then proceeded as follows: "This is a very minor objection, tho' so far as it goes, a sound one. But the real objection I hold to be a much stronger one, *viz.*, that a neutral vessel, with a bona fide, *neutral destination*, cannot contain contraband of war at all, and that civilians, especially, bound for a neutral country cannot, under any circumstances, be held to be subject to seizure as Contraband. I venture to affirm that no decision of any of our Judges, nor any act of our Government can be cited as inconsistent with this doctrine."

This, even if advanced by a layman, was certainly good sense, and probably sound law. Admitting, however, that as a mere proposition of existing law, wise or not wise as a question of policy, the British precedents and practice were as laid down by the law-advisers of the Crown, if such a contingency as that of the *Trent* arose there was but one course to be pursued by any self-respecting nation. If such was once the law, the world had outgrown it; it was law no longer. In any event, it could not possibly be observed as such by any nation powerful enough to set it at naught. The case did not admit of argument.

The course, therefore, to be pursued by the British Government under the circumstances which then confronted it, was simple, and exactly the course that was pursued. The matter was referred back to the law officers of the Crown, with instructions to reconsider the subject. The subject was reconsidered, and different conclusions arrived at. Nevertheless, those conclusions commend themselves little more to present judgment than the previous opinion. It was now held that the attitude of the American Government was untenable because in assuming authority under the accepted law of nations, as laid down in the reports and treatises, Captain Wilkes had undertaken to pass upon the issue of a violation of neutrality on the spot, instead of sending the *Trent* as a prize into port for judicial adjudication. There is about the position thus assumed in 1861 something which seems in 1911 little short of the grotesque. Nevertheless, so the case stood at that time; and, as mere technical law, the point probably was, as the Duke of Argyll said in his letter to Mr. Adams, well taken. At any rate

it met in a way the requirements of that particular occasion, and was gravely advanced and argued over *pro* and *con* by able and adroit men holding high official positions. It was, however, recognized all through as a solemn farce. As a question of practical statesmanship, the world manifestly had burst asunder those particular swaddling clothes. It is contentions of this character which bring law into contempt.

One more turn of the kaleidoscope, and I am through for this occasion. Leaving London and the legal advisers of Her Majesty's Government, we travel back to Boston. The *San Jacinto*, with the two Confederate envoys on board, — more guests of the Captain than prisoners of state,[1] — steamed into Boston harbor on the 24th of November. Fort Warren had been designated as, *pro hac vice*, the American Tower, or Bastile. Fort Warren is situated on George's Island, commanding the main ship-channel, so called, at the entrance of Boston harbor. Small in area, the island is almost entirely covered by the fort; and, as is well known, the sea-shore of Massachusetts Bay is, as a winter resort, inclement. Though, as already mentioned, both Mr. Mason and Mr. Slidell were peculiarly obnoxious to the loyal North and especially to New Englanders, there were a number of residents of Boston who had in one way or another been personally associated with them in former times, and even under obligations to them. Among these was Mr. Robert C. Winthrop, long a member of Congress from Massachusetts, speaker of the national House of Representatives, and, for a time, the occupant of a seat in the United States Senate. Those were the days of the comparatively "simple life" in Washington, and while in the Senate together Mr. Mason and Mr. Winthrop had belonged to the same "mess," as the boarding-house arrangements of those days were termed. As Mr. Winthrop now wrote in a familiar letter to Mr. John P. Kennedy, another of his Congressional associates, referring to the dedication in 1857 of the statue of Joseph Warren in Bunker Hill monument, when he had introduced both Mr. Mason and Mr. Kennedy, — "His tone was insolent enough on that occasion,[2] yet I will not triumph over him now. . . . I sent down some sherry a fortnight ago, and offered to go myself, but the

[1] Mason, *Public Life*, 224, 225.

[2] But on this point see Mason, *Public Life*, 123–125.

officer said I could speak to none of them. . . . I also helped to get some great coats to prevent the North Carolina soldiers from freezing." There certainly was biblical authority for such action under these circumstances on the part of Mr. Winthrop. At the same juncture, it so chanced that Colonel W. Raymond Lee and Major Paul J. Revere, of the 20th Massachusetts Volunteers, were with other Massachusetts officers prisoners of war at Richmond. It cannot be denied that as such they were treated with great severity, almost indeed as if they had been common criminals. If, however, at that time any prominent citizen of Richmond, who had previously received attentions at their hands in Boston, had endeavored to alleviate the hardships of prison life, we can feel assured he would have been denounced by the Southern press as supplying luxuries to those who could only be compared with the minions of Attila or some other great barbarian destroyer. In those days somewhat exaggerated metaphors and comparisons were in over-common use, and, as will immediately be seen, history quite failed to supply either of the two sides with precedents or examples equal to the occasion's requirements. Until then the lowest depths of depravity had not been sounded; "history did not record," etc., etc.! And yet even at that juncture such Samaritan action as that suggested on the part of some Richmond resident towards Lee and Revere would hardly have been regarded in Boston as conduct suitable for bitter denunciation only. Thus viewed, *in alteram partem*, it is curious now to read the bitter words in which the very simple courtesy of Mr. Winthrop and others was denounced by the New England press. The Boston *Transcript*, for instance, in its issue of Thursday evening, December 12, 1861, gave vent to the following growl: "We beg to suggest to those whom it may concern to leave the care of men, one of whom is the personification of arrogance, and the other of craft, to the proper authorities. We beg them not again to outrage public opinion by sending their champagne and other luxuries to the avowed enemies of the United States." And yet this merely echoed an utterance from Governor Andrew, conveyed in a private but published letter dated at the State House, December 11th. Referring to what he termed "the numerous manifestations of misplaced sympathy by some citizens of Boston with the rebel prisoners confined at Fort War-

ren," Governor Andrew then said: "I fully appreciate your feelings in this matter, and share with the writer of the *Post* in his condemnation of that sympathy with traitors, which makes men in comparison with whom Benedict Arnold was a saint, comfortable in their confinement, while our own brave defenders of liberty and Union and the rights of man, are cut off from all such sympathy by the rigorous despotism of the Southern oligarchy, — but I do not know of anything that I can do to prevent it." When such utterances emanate from a man of the high character and natural kindliness of Governor Andrew, it is possible for those who did not, as well as for those who did live in those times, to imagine the grim murkiness, so to speak, of the language elsewhere heard. For example, here is an illustrative extract from the newspapers of the time: "Mr. Wendell Phillips, in a lecture delivered at the New Music Hall on the evening of Wednesday, November 27, 1861, observed: 'If at the outbreak of the present troubles Breckinridge, Mason, Slidell, Toombs, Hunter, Wise, and others had been hung, and a frigate or two had been sent to Charleston, Savannah and New Orleans, and shelled those cities, there never would have been any rebellion.'" Mr. Phillips was never conspicuous for tolerance or for moderation of speech, nor could any marked degree of sanity of judgment be fairly attributed to him; it is, however, at this distance of time curious to see that even he should in 1861 have so utterly misjudged the courage as well as the earnestness of the South. But in 1911 it has an even more curious and exaggerated sound to hear John A. Andrew referring to the two Confederates in question as men in comparison with whom "Benedict Arnold was a saint." Whatever may be said against either Mr. Mason or Mr. Slidell, — and much certainly can in both justice and truth be said, — it can never be asserted that they were guilty of treachery or of secret treasons. They proclaimed their opinions loudly enough, and thereon, early and late, "made good." Nevertheless, Mr. Winthrop's attitude towards them on this occasion excited so much feeling that he wrote to his friend Kennedy as follows: "A miserable clamor has been raised by a few of our bitter spirits because some persons have sent down a few creature comforts to alleviate the condition of old friends. One of our malignant presses calls us sympathizers in Rebellion and threatens to send our names

to the Secretary of State! I hope you will give Seward to understand that a malicious spirit of misrepresentation prevails in this quarter, which vents itself upon everybody who is not ready to embark in an Abolition Crusade. For myself, I have done so little for the prisoners, that I feel a compunction at having seemed wanting in kindness. It is wretched policy not to treat them with humanity and consideration." This episode constitutes a mere insignificant footnote in the record of that period; but it brings forcibly to mind the morbid and unreasoning state of public opinion.

One point further: — a point curiously illustrative of the thoroughness with which this particular piece of historical ground has been gone over, and the difficulty of now reaching any novel conclusions in regard to those who played their parts in connection with it. As a final result of recent investigations I had reached the conclusion that, among those occupying positions of prominence and political responsibility in American public life at the time, two only preserved their poise throughout the Mason and Slidell episode, and, taking in all the aspects of the situation, both acted with discretion and counselled wisely. These two were Montgomery Blair, the Postmaster General in Lincoln's Cabinet, and, somewhat strange to say, Charles Sumner. They alone, using the vernacular, did not "slop over," prematurely and inconsiderately committing either themselves or the country, whether in private speech or public utterance. Though not quoted at the time, Mr. Blair's attitude was the more pronounced. According to Secretary Welles, he "from the first denounced Wilkes's act as unauthorized, irregular and illegal"; and even went so far as to advise that Wilkes be ordered to take the *San Jacinto* and go with Mason and Slidell to England, and deliver them to the British Government.[1] In view of the excitement and unreasoning condition of the public mind such a disposition of the question was, perhaps, practically impossible; though even this admits of question. Nevertheless, seen through the vista of half a century, this would clearly have been the wisest as well as the most dignified course to pursue, far more so than that ultimately

[1] This course was, it is said, also at the moment advocated by General McClellan, then organizing the Army of the Potomac, and practically commander-in-chief in succession to General Scott. Russell, *My Diary*, II. 405.

adopted; for, as Secretary Welles, a dozen years later, wrote, "the prompt and voluntary disavowal of the act of Wilkes, and delivering over the prisoners, would have evinced our confidence in our own power, and been a manifestation of our indifference and contempt for the emissaries, and a rebuke to the alleged intrigues between the rebels and the English cabinet."[1] Mr. Welles might have further remarked that such a disposition of the matter, besides being in strict consistency with a long-proclaimed international policy, would have afforded for the navy a most salutary disciplinary example.

As I have said, the attitude and bearing of Mr. Sumner throughout those trying days were above criticism. With a proper sense of the responsibility due to his official position, that of Chairman of the Senate Committee on Foreign Relations, he was silent, biding his time; and, when that time came, he used his influence in such a way as to produce results not wholly unworthy of a great nation passing through a trying ordeal. This conclusion I had reached, and was prepared to set forth as one that might have a certain degree of novelty as well as weight, the matured judgment of half a century subsequent to the event. Fortunately for myself, before so doing, I glanced once more over the pages of our associate, Mr. James Ford Rhodes. In the chapter of his *History* (III. 523–524) in which he deals with the affair of the *Trent*, I then found the following: — "Of all the men in responsible positions, Sumner and Blair saw the clearest. They were in favor of at once surrendering to England the Confederate Commissioners."

My "novel" judgment, slowly reached at the close of half a century, had been, it would thus appear, anticipated by my associate here by about sixteen years!

But there is another aspect of the *Trent* affair and its outcome, which, from the historical point of view, is, I believe, novel; and that in closing I propose to bring to view, emphasizing it as forcibly as I can. But in order to appreciate this aspect of the affair it is necessary clearly to bear in mind the sequence of events, the intervals of time which elapsed and the

[1] *Lincoln and Seward* (1874), 186–187. This was an opinion formed later and on more mature reflection. At the time of the occurrence of the "affair" the attitude of Secretary Welles was pronounced, and his utterances were peculiarly indiscreet as well as precipitate. See *Diary*, I. 299, 466, 490.

exact date of each occurrence. The arrest of the *Trent* and the seizure of the two envoys took place in the Bahama Channel, November 8; the interview between Lord Palmerston and Mr. Adams at Cambridge House, at which Lord Palmerston suggested that the presence of the two envoys in Europe was "of no consequence" and "would scarcely make a difference in the action of the government" was on the 12th, and the despatch of Mr. Adams conveying this most significant intimation to Secretary Seward was received by the latter before November 30. This was fourteen days after the news of the seizure had been made known in the United States (November 16) and the public excitement had already begun to subside. Tidings of the affair had reached England three days only before, on the 27th, and the despatch of Earl Russell to Lord Lyons demanding the immediate surrender of the two envoys, dated November 30, reached Washington December 18, or a little over a full month after the news of the seizure of the envoys had made wild the American public.

At the time great emphasis was laid on the general preparations for war entered upon by the British government in case of a refusal to yield to the ultimatum presented. It was here pronounced unnecessary, irregular, minatory, and insulting; and subsequent American historical investigators and publicists have continued to so pronounce it. There is no question that Great Britain was in dead earnest in its demand for immediate reparation, and acted accordingly. The arsenals were busy; all available forces were mobilized; troops embarked for Canada.

> And why such daily cast of brazen cannon,
> And foreign mart for implements of war;
> Why such impress of shipwrights, whose sore task
> Does not divide the Sunday from the week.
> What might be toward . . .

The answer was ready; as was then alleged, and has since been reiterated, it was on the part of Great Britain a case of uncalled for, unnecessarily offensive braggadocio and bullying; and it was resented as such. Yet something was, and is, fairly to be said on the other side. The critics were not careful as to their facts, the sequence of events and the natural operation of cause and effect. Again it is necessary to bear dates clearly

in mind. Commenting on this phase of the "affair," R. H. Dana, for instance, with singular carelessness says in his elaborate note in his edition of Wheaton — "The news of the capture of Messrs. Mason and Slidell reached Washington about the same time it reached London." [1] This is erroneous, and the error vitiates Mr. Dana's whole criticism on the minatory course pursued by Great Britain. The news of the seizure, not "capture," reached Washington November 16; the same news did not reach London until the 27th, or eleven days later. Those eleven days of difference were pregnant with consequences; for during them the United States went crazy, and it was then that the news not of the seizure but of the storm of American approval thereof reached London "about the same time." The announcement a few days later of the Governor of Massachusetts at the Wilkes dinner in Boston (November 26) that "a shot fired across the bows of the ship that bore the English lion's head" had filled to the brim the cups of America's satisfaction over the event, followed hard by the "emphatic approval" of the act of the Secretary of the Navy and its unanimous endorsement by Congress — these surely were not utterances or incidents calculated either to allay British excitement or to lead to a countermand of warlike preparation. Even on the very eve of the surrender, it was publicly alleged and on excellent authority that the President had emphatically announced: — "I would sooner die than give them up." This probably was not true; it was, however, believed both in Washington and in London. In London also it was suspected, especially in inner ministerial circles,[2] — and on good grounds

[1] *Wheaton*, 654.

[2] The Duke of Newcastle, who had accompanied the Prince of Wales in his visit to America in the summer and autumn of 1860, was at this time Colonial Secretary in the Palmerston-Russell government. On June 5, 1861, five months before the occurrence of the *Trent* affair, he thus wrote in an official letter to Sir Edmund Head, Governor-General of Canada: — "I entirely concur in what you say in your letter of the 18th May about Mr. Seward's speculations and unfriendly views towards Canada, but I think you hardly make sufficient allowance for his hyper-American use of the policy of bully and bluster. When I saw him at Albany last October he fairly told me he should make use of insults to England to secure his own position in the States, and that I must not suppose he meant war. On the contrary, he did not wish war with England, and he was confident we should never go to war with the States — we dared not and could not afford it."

On December 5th following, in the heat of the excitement of the *Trent* affair, Newcastle wrote to Lord Monck, then in command of the forces in Canada: —

it has since appeared, — that Mr. Seward had, only a few months previously, desired to provoke trouble with Great Britain with ulterior purposes in view. The opportunity for so doing had now presented itself; nor was there any reason to suppose that the views of the Secretary had recently undergone change. Under such circumstances, however, it was perhaps in no way so remarkable, nor did it afford just ground for animadversion, that the din of preparation for war in the one country was concurrent with the din of approval of the seizure in the other.

"Soon after your last letter was written [November 16] you must have learnt of the affair of the *Trent*, and the serious complications which it must produce. I am bound to warn you that war is too likely to be the result. Such an insult to our flag can only be atoned by the restoration of the men who were seized when under its protection, and with Mr. Seward at the helm of the United States, and the mob and the Press manning the vessel, it is too probable that this atonement may be refused."

To the same effect, William H. Russell wrote as follows to the *Times:* —"In the present temper of the American people, no concessions can avert serious complications very long, or the surrender of all the boasted privileges of the Civis Romanus. . . .

"There is a popular passion and vengeance to be gratified by the capturing and punishment of Mr. Mason and Mr. Slidell, and I believe the Government will retain them at all risks because it dare not give them up, not being strong enough to do what is right, in the face of popular sentiment. . . . I was much struck with the deep spirit of animosity displayed by some friends of mine, for whom I entertain a great respect, in speaking of the probable act of Great Britain: — 'If we are forced now in our hour of weakness to give up Mason and Slidell, I trust to God that every man in America will make a solemn resolve to let England feel the force of our resentment and an undying revenge when next she is involved in any difficulty.'" Letter of November 12, printed in the issue of the *Times* for December 3, 1861.

"As I write there is a rumour that Messrs. Mason and Slidell are to be surrendered. If it be true this Government is broken up. There is so much violence of spirit among the lower orders of the people, and they are so ignorant of everything except their own politics and passions, so saturated with pride and vanity that any honorable concession even in this hour of extremity would prove fatal to its authors." From letter dated November 25, in the issue of the *Times* of December 10, 1861.

The general understanding and accepted popular conviction in Great Britain was thus set forth in an editorial in the *Illustrated London News* of December 14, 1861: "While it is broadly stated on all hands on this side of the water that a restoration of the old Union is assuming the aspect of an impossibility, it has been whispered that such an opinion has secretly taken root in the minds of the Cabinet at Washington, and that a contest with England is adopted as a policy out of which may spring a pretext for the ultimate acknowledgment of the independence of the South. If this is really the case, why, all ground for argument is cut away, and it must be readily admitted that no course more calculated to attain that end could have been selected than that of bringing on a quarrel with this country."

Meanwhile the news of the excitement occasioned throughout Great Britain by Wilkes' act had reached America on the 12th, six days previous. The four dates most necessary to bear in mind are therefore the 16th of November, when the news of the seizure reached America; the 27th of the same month, when the same news reached Europe; the 12th of December, when the extreme seriousness of the situation dawned on the American mind through tidings of the British excitement and consequent demands; and, finally, the 18th of December, when it became apparent that a decision as to the course to be by it pursued had to be reached within one week by the American Government. Thus, between the date of the arrival of the *San Jacinto* at Hampton Roads (November 15), and the announcement from Washington that the envoys would be surrendered (December 26) forty days elapsed. This was a most important factor; for, as the result showed, during that period the popular effervescence had time in which to subside, while by the forty-first day the sober second thought might to a degree be invoked with some assurance of a response. An Anglo-Saxon community rarely goes daft permanently.

It was so in this case; and, though both in public and private, some, like Hale of New Hampshire and Lovejoy of Illinois in Congress, and two of the sons of Mr. Adams in private correspondence, foamed at the mouth, swearing inextinguishable hatred of Great Britain and asseverating an unalterable determination to bide their time for revenge on that arrogant and overbearing nationality,[1] so far as the great body of public

[1] The absurdities and excesses of speech into which the prevailing epidemic of excitement led people at this juncture seem now simply incredible. For instance, one gentleman rushed into print proposing as a remedy for existing conditions that Mason and Slidell should at once be sentenced, convicted as traitors, and hanged, — this before Great Britain could formulate any demands for their surrender. The whole difficulty, he claimed, could thus be disposed of.

The favorite formula, however, seems to have been of a Hamilcarian character, — that is, the swearing of one's offspring to eternal hatred. Of this there were many cases; for example, Mr. Lovejoy, a member of Congress, of Illinois, thus expressed himself on the floor of the House of Representatives on the afternoon of January 7, when the correspondence between Secretary Seward and the British Government, relative to the *Trent* case, were laid before the House: "I am made to renew the horrible grief which I suffered when the news of the surrender of Mason and Slidell came. I acknowledge it, I literally wept tears of vexation. I hate it; and I hate the British government. I have never shared in the traditional hostility of many of my countrymen against England. But I now here publicly avow and record my inextinguishable hatred of that government. I

opinion was concerned the insanity passed away almost as suddenly as it had asserted itself. Reason resumed its sway.

And yet, while this greatly to the credit of the American people proved in the outcome to be the case, at the time such grave doubt was felt as to the popular reception of the decision to surrender the envoys that they were actually smuggled out of Boston harbor, Provincetown being selected as the point of delivery to a British frigate. This was suggested by Mr. Seward to Lord Lyons as the better course, the Secretary being "apprehensive that some outrage would be offered by the populace to the prisoners and the British flag." No sufficient grounds in reality existed for any such apprehension, but at the same time a reliable correspondent wrote from Boston to Charles Sumner that "the whole population were terribly excited, ready to plan any kind of an expedition to sink the vessel that should be sent to convey the Rebels from Fort Warren." [1] So general was this belief that Russell, the *Times* correspondent, then at Washington and in very direct daily communication with the best informed authorities, "resolved to go to Boston being satisfied that a great popular excitement and uprising will, in all probability, take place." [2] The delivery did not, however, in fact, occasion a ripple of lawlessness.

Such being the facts of the "affair" and the dates of the occurrences in its development, it is of interest now, and certainly not without its value as matter of experience, to con-

mean to cherish it while I live, and to bequeath it as a legacy to my children when I die. And if I am alive when war with England comes, as sooner or later it must, for we shall never forget this humiliation, and if I can carry a musket in that war I will carry it. I have three sons, and I mean to charge them, and do now publicly and solemnly charge them, that if they shall have at that time reached the years of manhood and strength, they shall enter into that war."

To the same effect Captain Dahlgren, of the navy, vowed to Mr. Russell that if England should avail herself "of the temporary weakness of the United States to get back the rebel commissioners by threats or force, every American should make his son swear eternal hostility to Great Britain."

Finally, one of Mr. Adams' sons, writing to his father, expressed himself in the same vein, as follows: — "I at least would care to impress but one thing on a son of mine, and that should be inveterate, undying, immortal hatred of Great Britain. In this I do not feel that I am at all exaggerating the general feeling here." He wrote December 30, 1861.

A curious collection might be made of utterances of the same import at that juncture.

[1] *Works*, VIII. 102.

[2] Russell, *My Diary*, II. 428–429.

sider the courses then possible to have been pursued by the United States and to contrast them, coolly and reflectively, with that which was actually pursued. And in so doing the thought which first suggests itself is one not conducive in us to an increased sense of national pride. What an opportunity was then lost! How completely our public men, and through them our community, failed to rise to the height of the occasion! For, viewed in the perspective of history, it is curious, and for an American of that period almost exasperating, to reflect upon what a magnificent move in the critical game then conducted would have been made had the advice of Montgomery Blair been followed to the letter and in spirit. To carry out the simile, by such a playing of the pieces on the board as he suggested, how effectually a checkmate would have been administered to the game of both the Confederates and their European sympathizers! In the first place, the act of Wilkes, as was subsequently and on better reflection universally conceded, was ill-considered, improper, and in violation of all correct naval usage. It should have been rebuked accordingly and officers should have been taught by example and at the commencement that they were neither diplomatic representatives nor judicial tribunals administering admiralty law. It was for them to receive instructions and implicitly to obey them. A reprimand of much the same nature was at almost this very time administered to General John C. Frémont, when in Missouri he undertook by virtue of martial law to proclaim the freedom of the slave throughout the military department under his command. His ill-considered order was revoked; and he was officially instructed that he was to confine himself to his military functions, and that the administration reserved to itself all action of a political character. So much for Captain Wilkes, and the reprimand he should have received because of his indiscreet and unauthorized proceeding.

Next, such a line of conduct would have been on the part of the Government in severe and manly adherence to the past contentions of the United States. It would have recognized in the action taken by Wilkes an attempt to carry the right of search and power of impressment far beyond any precedent ever established by the British Government, even in the days of its greatest maritime ascendency, and consequent arrogance.

In the strong and contemptuous language of Mr. Adams, America, in sustaining Wilkes, was consenting "to take up and to wear [Britain's] cast-off rags." If, instead of so bedizening itself, the United States had boldly, defiantly, and at once now adhered to its former contentions, its attitude would have been simply magnificent; and, as such, it would have commanded respect and admiration.

Nor was this aspect of the situation wholly unseen by some at the time; for, writing from his post in London to J. L. Motley in Vienna on the 4th of December, 1861, the date at which the tension between the United States and Great Britain was at the breaking point, Mr. Adams thus expressed himself: "It ought to be remembered that the uniform tendency of our own policy has been to set up very high the doctrine of neutral rights, and to limit in every possible manner the odious doctrine of search. To have the two countries virtually changing their ground under this momentary temptation would not, as it seems to me, tend to benefit the position of the United States.[1] Whereas, a contrary policy might be made the means of securing a great concession of principle from Great Britain. Whether the government at home will remain cool enough to see its opportunity, I have no means of judging." And a few days later — December 7, 1861 — John Bright, writing to Charles Sumner, expressed himself to the same effect: "You may disappoint your enemies by the moderation and reasonableness of your conduct, and every honest and good man in England will applaud your wisdom. Put all the fire-eaters in the wrong, and Europe will admire the sagacity of your Government." "Sagacity of your Government!" That phrase expressed exactly what the situation called for, and got only in a very modified degree.

[1] The timidity and hesitation with which Americans then advanced, for it cannot be said they really advocated, the traditional American policy, are fairly matter of surprise. For instance, in a letter to the London *Times*, printed in its issue of December 14, — a letter which Mr. Adams criticised at the time as being "a little too smooth and deprecating," — Mr. Thurlow Weed thus cautiously referred to the law as laid down by Lord Stowell: "Were I at all qualified to enter into the legal argument I should be inclined to accept your view of the question, to wit, that time and circumstances have so far changed the practice, reformed the principles of international maritime law as to render the earlier precedents and authorities largely inapplicable to existing cases." *Memoir of Thurlow Weed*, II. 354.

Taken immediately and openly in the presence of the whole world, the position advised by Blair would have indicated the supreme confidence we felt in our national power, and the pronounced contempt in which we held both those whom we called "rebels" and those whom they termed their "envoys." If reached and publicly announced after mature deliberation during the week which followed the announcement of the seizure from Fortress Monroe (November 23), as trans-Atlantic communication was conducted in those days the news would scarcely have reached England before the 3d of December, just three days after the peremptory and somewhat offensive despatch of Earl Russell demanding the immediate surrender of the arrested envoys was beyond recall or modification, well on its way to America. A situation would have resulted almost ludicrous so far as Great Britain was concerned, but, for the United States, most consistent, dignified and imposing. Excited, angry, arrogant, bent on reparation or war, Great Britain would have been let down suddenly, and very hard and flat. Its posture would, to say the least, have been the reverse of impressive. But for us it would have established our prestige in the eyes of foreign nations, and once for all silenced the numerous emissaries who were sedulously working in every part of Europe to bring about our undoing through foreign interference. In particular, the immediate delivery of the envoys, in advance of any demand therefor and on the very ship which had undertaken to exercise the right of search and seizure under the command of the officer who had thus exceeded his authority and functions, would, so to speak, have put the Government of Great Britain thenceforth under bonds, so far as the United States was concerned. Thereafter any effort, either of the "envoys" thus contemptuously surrendered or of other Confederate emissaries, would, so far as this country was concerned, have been futile. Reciprocity would from that moment have been in order, and all question of foreign recognition would have ceased. The whole course of international events in the immediate future would probably have been far different from what it was; for with what measure we had used, it would necessarily have been measured to us again.

Such a line of conduct immediately decided on and boldly

declared would have been an inspiration worthy of a Cavour or a Bismarck; but, though actually urged in the Cabinet meetings by Montgomery Blair, its adoption called for a grasp of the situation and a quickness of decision which, very possibly, could not reasonably be expected under conditions then existing. It also may even yet be urged that, if then taken and announced, such a policy would have failed to command the assent of an excited public opinion. That it would have failed to do so is, however, open to question; for it is more than possible, it is even probable, that American intelligence would even then have risen at once to the international possibilities presented, and in that crisis of stress and anxiety would have measured the extent to which the "affair" could be improved to the public advantage. The national vanity would unquestionably have been flattered by an adherence so consistent and sacrificing to the contentions and policies of the past. The memories of 1812 would have revived. However, admitting that a policy of this character, now obviously that which should have been pursued, was under practical and popular conditions then prevailing at least inadvisable, it remains to consider yet another alternative.

Assuming that the course pursued remained unchanged an entire month after the seizure, and up to the 12th of December, when the news arrived in America of the excitement occasioned by the seizure in Great Britain and the extreme seriousness of the situation resulting therefrom, — assuming this, it is now obvious that the proper policy then and under such conditions to have been adopted, although it could not have produced the results which would have been produced by the policy just considered if adopted and announced ten days earlier, would still have been consistent and dignified, and, as such, would have commanded general respect. It was very clearly outlined by Mr. Adams in a letter written to Cassius M. Clay, then the representative of the country at St. Petersburg, in the following month. He expressed himself as follows: — "Whatever opinion I may have of the consistency of Great Britain, or of the temper in which she has prosecuted her latest convictions, that does not in my judgment weigh a feather in the balance against the settled policy of the United States which has uniformly condemned every and any act

like that of Captain Wilkes when authorized by other nations. The extension of the rights of neutrals on the ocean and the protection of them against the arbitrary exercise of mere power have been cardinal principles in the system of American statesmen ever since the foundation of the Government. It is not for us to abandon them under the transient impulse given by the capture of a couple of unworthy traitors. What are they that a country like ours should swerve one hair from the line of its ancient policy, merely for the satisfaction of punishing them?"

If the advisers of Mr. Lincoln had viewed the situation in this light, when his Secretary of State sat down to prepare his answer to the English demand he would at once with a bold sweep of the hand have dismissed as rubbish the English precedents and authorities, reverting to the attitude and contentions uniformly and consistently held by the Government for which he spoke, during the earlier years of the century. The proceeding of Captain Wilkes would then have been pronounced inconsistent with the traditions and established policy of the United States, and the line of action by it to be pursued in the case immediately presented would have been dictated thereby. The course to be pursued on the issue raised was clear, and the surrender of the envoys must be ordered accordingly; — and this in no degree because of their small importance, as suggested by Lord Palmerston in his talk with Mr. Adams — though unquestionably the fact would have secretly exercised no little influence on the mind of the Secretary — and still less was it ordered because of any failure of Captain Wilkes to seize the *Trent* as prize on the ground of alleged breach of neutrality: but exclusively for the reason that the seizure in question was unauthorized, in direct disregard of the established policy of the United States and its contentions in regard to the rights of neutrals, clearly and repeatedly set forth in many previous controversies with the Government represented by Earl Russell. From that policy, to quote the language of Mr. Adams, "this country was not disposed to swerve by a single hair's breadth." In accordance with it, delivery of the so-called "envoys" was ordered.

Again, an opportunity was lost! Such an attitude would have been dignified, consistent and statesmanlike. It would

have had in it no element of adroitness and no appearance of special pleading. It could hardly have failed immediately to commend itself to the good judgment as well as pride of the American people, and it would certainly have commanded the respect of foreign nations.

Of the elaborate, and in many respects memorable, despatch addressed by Secretary Seward to Lord Lyons, in answer to the categorical demand for the immediate release of the two envoys,[1] it is not necessary here to speak in detail. It is historical, and my paper has already extended far beyond the limits originally proposed. Of this state paper I will therefore merely say that, reading it now, "clever," not "great," is the term which suggests itself as best descriptive. Much commended at the time, it has not stood the test.[2] In composing it, the

[1] In his official despatch conceding the surrender of the envoys, Mr. Seward observed that the British claim for reparation was not made "in a discourteous manner." A later writer, however, has referred to the "indecent haste and manifest unfairness of the whole proceeding, as well as the bombast and implied threats" contained in Lord Russell's letters to Lord Lyons. Without going into details on this subject, it may however be observed that, so far as the United States is concerned, the despatch in question, as respects either language or peremptoriness of tone, would compare not unfavorably with the subsequent attitude and utterances of our spokesmen in the case of the difficulty of this country with Chili, as set forth in President Harrison's message of January 12, 1892, anent, the assault on American sailors in Valparaiso; or with those of President Cleveland as embodied in the memorable Venezuela message directed at Great Britain, December 17, 1895; or with those of President McKinley in his message of April 11, 1898, communicating his ultimatum preceding the war with Spain; or with the course adopted by President Roosevelt in February, 1904, towards the United States of Colombia, as respects the independent Republic of Panama proclaimed as per arrangement the day previous by a band of trembling conspirators. To the record in all these cases it is unnecessary in this connection more particularly to refer.

[2] A far harsher criticism must, however, be passed on the memorandum of Secretary Chase, read at the Cabinet meeting of December 26, 1861, and printed in Warden, *Private Life and Public Letters of Salmon P. Chase*, 393, 394. It was distinctly childish; for Mr. Chase then said of Captain Wilkes' act: — "However excused or even justified by motives, the act of removing [Messrs. Mason and Slidell] as prisoners from the *Trent*, without resort to any judicial cognizance, was in itself indefensible. We could not deny this without denying our history. Were the circumstances reversed, our government would, Mr. Chase thought, accept the explanation, and let England keep her rebels; and he could not divest himself of the belief that, were the case fairly understood, the British government would do likewise. . . . It is gall and wormwood to me. Rather than consent to the liberation of these men, I would sacrifice everything I possess." It is hardly necessary to observe that it has not been the practice of either Great Britain or the United States to yield up political refugees, or "rebels" asking

writer plainly had his eye on the audience; while his ear, so to speak, was in manifest proximity with the ground. Indeed, his vision was directed to so many different quarters, and his ear was intent on such a confusion of rumblings that it is fair matter for surprise that he acquitted himself even as successfully as he did. In the first place, it was necessary for him to persuade a President who had "put his foot down," and whose wishes inclined to a quite different disposition of the matter. In the next place, the reluctant members of a divided Cabinet were to be conciliated and unified. After this, Captain Wilkes, the naval idol of the day, must be justified and supported. Then Congress, with its recent commitments as respects approval, thanks, gold medals, etc., had to be not only pacified, but reconciled to the inevitable; and, finally, an aroused and patriotic public opinion was to be soothed and gently led into a lamb-like acquiescence. The situation in the aspect it then bore, was, it cannot be denied, both complicated and delicate. Accordingly, one is conscious, in reading the Secretary's communication to Lord Lyons of December 26, 1861, of a distinct absence therein of both grasp and elevation; and it can hardly be denied that there was truth in the criticisms passed upon it by Hamilton Fish, in a letter to Charles Sumner, written at the time. Mr. Fish, then in retirement, not impossibly entertained feelings of a nature not altogether friendly towards Mr. Seward, whose colleague he had been in the Senate, and whom later he was to succeed in charge of the Department of State. They were both from New York, and had been contemporaneously active in New York politics. Those also whose attention has been called to the grounds of comparison will, perhaps, hardly be disposed to deny that for natural grasp of the spirit and underlying principles of international law, Hamilton Fish was better endowed than either Seward or Sumner. Fish now wrote: — "In style [the letter] is verbose and egotistical; in argument, flimsy; and in its conception and general scope it is an abandonment of the high position we have occupied as a nation upon a great principle. We are humbled and disgraced, not by the

right of asylum, on the demand of any Government claiming their allegiance, to "keep her rebels." The Koszta case is here distinctly in point. Secretary Chase appears when writing this memorandum to have been somewhat oblivious of that precedent.

act of the surrender of four of our own citizens, but by the manner in which it has been done, and the absence of a sound principle upon which to rest and justify it. . . . We might and should have turned the affair vastly to our credit and advantage; it has been made the means of our humiliation."

The ultimate historical verdict must apparently be in accordance with the criticism here contemporaneously expressed. The Seward letter was inadequate to the occasion. A possible move of unsurpassed brilliancy on the international chessboard had, almost unseen, been permitted to escape us.

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### Everett to Adams.[1]

Boston, 20 August, 1861.

My dear Sir, — I had great pleasure in receiving your letter of the 26th July, and in your favorable opinion of my oration, which has also been kindly spoken of here.[2]

You informed me some time ago that Lord John — no longer Lord John[3] — had read you a part of my letter to him of the 29th of May. I have thought you might like to see his answer, of which I accordingly send you a copy. I also venture to place under cover to you my reply to him, unsealed, should you be inclined to read it. You will be pleased before sending it, to seal it with some indifferent seal.

I do not think I can add anything, as to the progress of the war, beyond what the papers will tell you. The Secretary of the Treasury has made satisfactory arrangements for the great loan. The Boston banks take at once ten millions. Some significant remarks were made at a meeting of the Presidents of our Banks, by Mr. Wm. Gray, to the effect that the country desires a united and efficient cabinet; and Mr. Gray, W. T. Andrews and another gentleman were chosen a committee to make this suggestion formally to the President. It was supposed to be aimed at General Cameron and Mr. Welles.

A rather unpleasant impression was produced on the public mind yesterday, by the call of the Secretary of War, to have all the volunteers, accepted either by the Department or the State Governments, hastened on to Washington, with or without equipments and arms.

[1] From the Adams mss.

[2] Probably the address on "The Questions of the Day," delivered in New York, July 4, 1861, and printed in *Orations and Speeches*, iv. 345.

[3] Lord John Russell had been raised to the peerage, as Earl Russell, in July, 1861, the preceding month.

We are so unaccustomed to war, that every little incident, and especially every reverse tells upon the public mind, far beyond its importance, and the pulse of the community rises and falls, like the mercury in the thermometer.

Our newspapers are filled with the absurdest suggestions, about the unfriendly interference of England and France. But I am confident, that before the next crops of cotton and tobacco are ready for shipment, the Southern Ports will be so effectually blockaded, as to put any such interference out of the question. . . .

EDWARD EVERETT.

[Enclosure.]

LORD JOHN RUSSELL TO EVERETT.

PEMBROKE LODGE, July 12, 1861.

MY DEAR MR. EVERETT, — I have hitherto delayed answering your letter of the 28th of May, in hopes that a better feeling, and I must say a juster feeling towards us might spring up in the United States. I am not sure that this is the case, but I am told there has been a lull. In the interval before a fresh storm arises, I will write a few lines as to our position.

I shall say little as to yours; I respect the unanimous feeling of the North, and still more the resolution not to permit the extension of Slavery which led to the election of President Lincoln. But with regard to our own course, I must say something more. There were according to your account 8 millions of freemen in the Slave States. Of these millions upwards of five have been for sometime in open revolt against the President and Congress of the United States. It is not our practice to treat five millions of freemen as pirates, and to hang their sailors if they stop our merchantmen. But unless we meant to treat them as pirates and to hang them we could not deny them belligerent rights. This is what you and we did in the case of the South American Colonies of Spain. Your own President and Courts of Law decided this question in the case of Venezuela.

Your press has studiously confused the case by calling the allowance of belligerent rights by the name of recognition. But you must well know the difference.

It seems to me however that you have expected us to discourage the South. How this was to be done, except by waging war against them I am at a loss to imagine.

I must confess likewise that I can see no good likely to arise from the present contest. If on the 4th of March you had allowed the Confederate States to go out from among you, you could have pre-

vented the extension of Slavery and confined it to the slaveholding States. But if I understand your Constitution aright you cannot do more in case of successful war, if you have to adhere to its provisions and to keep faith with those states and parts of states where slavery still exists which have not quitted the Union.

I regret the Morrill Tariff and hope it will be repealed. But the exclusion of our manufactures from your markets was surely an odd way of conciliating our good will.

I thank you for your condolence on the death of my brother. It is a grievous loss to me, after half a century of brotherly affection. I remain, Yours faithfully,

J. Russell.

### Everett to Adams.

Boston, 29 October, 1861.

My dear Mr. Adams, — I had much pleasure in receiving yours of the 5th of October by the last steamer. The fair prospect, to which you allude, as produced by the prosperous turn of things here, is a little clouded by the news, which this steamer will carry to you of another reverse to our arms near Leesburg. It seems to have been a sad blundering piece of business. There is a general willingness to lay the blame on poor Colonel Baker. *Les morts, aussi bien que les absens, ont toujours tort.*

The great naval expedition has sailed from Fortress Monroe. Its success, if it fully succeeds, will be all important, — and its failure proportionately disastrous.

Mr. de Stoeckel sat half an hour with me today. He talked in the sense of Prince Gortschakoff's letter; but rather gloomily of our cause. He distrusts the ability of McClellan to handle the large army under his command, and thinks General Scott, tho' his faculties are unimpaired, pretty nearly "used up"; — I am sorry to use that cant phrase of the noble old chief. Stoeckel says that France and England have intimated to our Government, that the domestic interests of their subjects absolutely require, that the supply of cotton should not be much longer obstructed, and that if the present state of things continues, they shall be compelled, with great reluctance, to take measures for the relief of their subjects, who, according to Stoeckel, will otherwise starve or rebel; and of course the latter. He says *he knows* these intimations have been made.

I read to Stoeckel a part of your letter, — not of course that which you wrote in confidence. He said, *à propos* of the European Complications, that Prince Gortschakoff wrote him that they were numerous and grave; that Russia could not prevent their existence, but thus

far had been able to prevent their leading to war; and that as this season had passed without a rupture, and Winter was at hand, Peace was sure to be preserved, at least till next year. Baron Brunnow writes to Stoeckel, that John Bull affects to weep from sympathy, when brother Jonathan cries with the tooth-ache, but chuckles in his sleeve, as poor Jonathan's teeth, with which he is accustomed to bite so hard, are pulled out by his own doctors. Mr. Seward has requested me to come to Washington to confer on some public business (he does not say what) and I shall start on Wednesday. . . .

EDWARD EVERETT.

## EVERETT TO ADAMS.[1]

BOSTON, 9 November, 1861.

MY DEAR MR. ADAMS, — I have to thank you for your two very valuable letters of the 5th and 25th of October. I write a little in advance of the sailing of the steamer, as I shall be much engaged next week. . . .

I do not attempt to send you any intelligence, as the steamer will bring you 4 days later dates, and especially will probably bring some important information about the great naval expedition. It was the impression at Washington, that it had escaped the fury of the gale of the 2d, and what little information we have is to that effect.

We have had another atrocious military blunder at Ball's Bluff. As usual nobody is to blame, and nobody is responsible. The fault is generally ascribed to Colonel Baker, he being dead. Our Massachusetts young men appear to have behaved nobly, but it is almost maddening to see these precious young lives thrown away, and the great cause endangered by these constantly recurring blunders.

What I said of Mr. Seward's too belligerent propensities was founded a good deal on Mr. Sumner's statements. I made allowance for the evidently unfriendly tone, in which they were made, but I would not have supposed them so exaggerated, as I now incline to think them. They were in part confirmed by a Captain Taylor, late of the British army, — who brought me 2 or 3 years ago a letter from his uncle, the late Archbishop of York, — who told me that Mr. Seward had said to Russell, the correspondent of the "Times," that he was willing to go to war with England and France to-morrow, and that on his (Taylor's) repeating this to Lord Lyons, Lord Lyons replied, "I can believe it; he has said much the same to me," adding "he treats me so, I can't go to the department." All this, however,

[1] From the Adams MSS.

cannot be true, if any of it is. Mr. Seward told me his personal relations with Lord L. were perfectly friendly. I saw a letter of the Duke of Argyll to Mr. Sumner, expressing lively fears that Mr. Seward was driving the country into a war;[1] this was some three months ago; and Dean Milman, in a letter to me of the 16th October, speaks of Mr. Seward's having threatened an invasion of Canada.

Please let me know, if you can, the author of the article on our affairs in the last number of the Edinburgh Review, — that for October.

Mr. Seward has requested me, as he has Thurlow Weed, Archbishop Hughes, J. P. Kennedy, Bishop McIlvaine, and R. C. Winthrop, to go to England and France, for two or three months unofficially and as volunteers, to endeavor, through social channels, to counteract the influence of the Secessionists, who are said to be swarming at London and Paris and producing an effect on public opinion. I see many objections to going, — the vagueness of the errand, the strangeness of the grouping (which however is of less consequence, as there is no official character to be kept up and consequently no joint action necessary, nor probably expedient), the wintry voyage, some twenty-five or thirty engagements to speak — and now the attention, which it may be necessary to give to my son's affairs, which may indeed prove to me an insuperable barrier. I will add also, in entire sincerity, that I believe, from all I know and all I hear, not only that the official duties of the American minister are performed by you in a manner which leaves nothing to desire, but that whatever can be effected through social influences is accomplished with equal skill and success. I am not quite sure, that it would be wise, to send out half a dozen *volunteers* when the *regular* service is so efficient.

I wish you would, with entire unreserve, give me your opinion of the matter, by which, if I am able to come (which is quite doubtful), I should be much governed. I learn today from Washington, much to my satisfaction, that Mr. Seward consents to postpone for some time — perhaps indefinitely — further action in this matter.

You will not suppose for a moment that I imagine Mr. Seward to labor under the impression, that your hands need strengthening. But he seems to think something can be done by purely unofficial influences, in social intercourse by private travellers, in which capacity only the persons named are to go abroad.

The whole movement was to be confidential, but it is already in the papers, I know not through what means.

[1] Pierce, *Memoir and Letters of Charles Sumner*, IV. 31.

I have written too long a letter already, but having half a page left, I will add, that, while in Washington the other day, I had a long and interesting conversation with M. Mercier, the purport of which was that France suffered so much by the present state of things in this country, that she would be compelled, in self-defence, *to take measures of relief*. I asked him what measures, and he answered "Recognition of the Confederacy." I told him that of itself, though it would give great moral aid to the South, would not help France. He admitted this and said in substance they must break the blockade. I replied, "this would be war with the U. S." He did not deny this, but seemed to think, on the near and certain approach of such a result, we should give way. I told him he could not be in earnest in thinking his government would go to war with a friendly power merely to promote domestic interests. He said necessity knew no law. I believe substantially the same language is held by him officially. I think it is intended to frighten us into yielding, and told him so. But that he disclaimed. Stoeckel told me Louis Napoleon was thoroughly frightened, at the fear of a general *émeute*. You will put your own interpretation on all this. *Valeat quantum*. As ever, sincerely yours

E. E.

P. S. The N. Y. Herald says "Mr. Adams is the right man in the right place." If the Herald commends you, you will begin to read the first clause of Luke VI, 26, with some anxiety.[1]

## Winthrop to Kennedy.[2]

Boston, 18 November, 1861.

. . . . . .

I wrote Seward some days ago that you had encouraged me to think there was less urgency for any of us to go abroad, and that I was indisposed to go for domestic reasons. But who needs to go, after your glorious Maryland Election, and the success of the Port Royal Expedition! And now comes the climax, — Mason and Slidell caught and brought back! When I presented you and Mason to the multitude at Bunker Hill, how little he thought the name of Warren would have such associations for him — the Statue and the Fort![3]

[1] "Woe unto you, when all men shall speak well of you! for so did their fathers to the false prophets."

[2] From the Winthrop MSS.

[3] On June 17, 1857, the Bunker Hill Monument Association dedicated the statue to Joseph Warren, and among the speakers on the occasion were James M.

His tone was insolent enough on that occasion, yet I will not triumph over him now. To think of Mason, Slidell, and Gwin, and still more of Morehead and Faulkner, and your friends Brown and Wallis, confined in the casements of an Island Fortress, away from home and friends, and subject to the punishment of Traitors, fills me with horror. Yet I know not what else the Government could do with some of them, tho' I am afraid Faulkner and Morehead have been dealt with too summarily. I sent down some Sherry a fortnight ago, and offered to go myself, but the officer said I could speak to none of them; I told him of your interest in your friends.[1] I also helped to get great coats, to prevent the North-Carolina soldiers from freezing. Are we to have war with England? A war of words we certainly shall have. Seward's recent letters and proclamations have greatly irritated the English mind, and I hope he will be prudent in his management of this arrest case. It gives undoubted cause for complaint, and the complaint ought not to be met with defiance. Proper explanations, in a civil way, will save a world of trouble. . . .

ROBERT C. WINTHROP.

## DANA TO ADAMS.[2]

BOSTON, Nov. 25, 1861.

MY DEAR MR. ADAMS, — Allow me to submit to your consideration a few words from the D[aily] Advertiser which I sent, on the Mason-Slidell question.

I hope you now feel better about the news. Wilkes has done a noble thing, and done it well. It has, with all its elements of poetic justice, struck a chord in the public heart that only a great victory could have struck.

The Port Royal affair was also well done. There appears to be a healthier feeling everywhere, since these two events.

The military congregations are gradually crystallizing into armies. Even Ball's Bluff has rather helped us than hurt us, in our own esteem, as our men behaved admirably and were overpowered by numbers. Our force was, all told, short of 1800. Gen. Evans admits a "regular force" of 2700. All told, he had nearer 4500. But, why do we blunder into such positions? West Virginia and Kentucky do better. No military men blame Gen. Stone. His plan

Mason and John P. Kennedy. A full account of the celebration was published by the Association in 1858.

[1] See p. 89 *n*, *infra*.

[2] From the Adams MSS. Printed, in part, in Adams, *Richard Henry Dana*, II. 259.

was good and his orders right. The repulse was owing to an error or neglect of Baker's, or was inevitable.

Your speech at the Lord Mayor's dinner has given much satisfaction here as in England.[1] I congratulate you upon it.

Sumner's speech is a magnificent exposition (I mean his late speech, since October 1) of the sin and horrors of slavery and its ill effect on all our politics, causing and sustaining this rebellion, etc., etc.[2] But so far as a policy, measures, — a principle of action is concerned, it is vague. He seems to assume that if our twenty millions can be made to hate slaveholders and slavery badly enough, and to believe that they can hit 'em hard, all the rest will take care of itself. If the steam is got up to the highest, and the boat headed into them, all else is immaterial. I cannot agree to that. Under the war power we can do what is (1) necessary for the purposes of the war, (2) justified by humanity, good sense, and the consent of Christendom. I know no other limits. But Sumner makes the abolition of slavery by force the moral justification and end of the war. The war is a means. He preaches a holy crusade. But we cannot justify *war on the domestic institutions of the Southern States*, as an end and object. We must not propagate even Christianity by the sword. The war must be to sustain the Constitution, and prevent the establishment of an independent nation in our limits; or, if we admit the Union and Constitution to be at an end as matter of law and of fact, then we can justify it only on the ground of an imperial and paramount necessity to establish one govt. over the old limits, wholly, or so far as we choose, taking the responsibility for the negroes on ourselves. The difficulty with Sumner is this. He has had great difficulty in justifying a support of the Constitution with its slave clauses. He has great difficulty in justifying *war* on any terms. But to justify war, in order to sustain the Constitution that itself needs justification, is too much for him. He relieves his conscience by preaching this to be a holy crusade to abolish slavery.

Pardon my long discourse, and believe me with great respect, Yours truly,

RICHARD H. DANA, JR.

[1] May 10. The speech is printed in the *Boston Daily Advertiser*, November 25, 1861. On the 9th the two Confederate Commissioners, William L. Yancey and A. Dudley Mann, had dined with the Fishmongers Company of London. Yancey's speech will be found in the same journal, November 26.

[2] In Sumner's *Works*, VI. 7, 71, are printed his speech of October 1, before the Republican State Convention at Worcester, Massachusetts, and "The Rebellion," delivered on November 25, as below (p. 90 *n*). The reference is probably to the former.

[Enclosure.]

## The Case of Messrs. Mason and Slidell.[1]

We desire to call the attention of our readers to the following communication, upon the legal aspect of the seizure of Mason and Slidell, coming to us from a source which entitles it to weight: —

To the Editors of the Boston Daily Advertiser:

The case of Messrs. Mason and Slidell is usually treated as if it were one of embassadors. But it is a far stronger case for the United States.

The very question of this war is, whether an independent nation shall be set up within the limits of the United States. To attempt that by force of arms is treason against our Government, and an act of war within the law of nations. To assume the character of an embassador from such a power, while the war is raging, is an act of hostility. If any foreign nation should acknowledge the insurgents as a nation, and receive their embassadors and make treaties with them, such acts, in the present posture of the war, would be acts of hostility to the United States, of the highest character.

The insurgents are attempting to set up such an independent sovereignty within our limits, to obtain its recognition by foreign powers, and to make treaties with those powers, injurious to us and beneficial to the insurgents. Messrs. Mason and Slidell were bound on that very errand, to the courts of Europe.

Now, the embassador of a recognized nation, bound to a distant court, in the regular course of routine, with nothing unusual attending his case, if his nation be at war, is treated by the law of nations as an emissary hostile to the enemies of his country, from the nature of his office. It is always his duty, and may be within his power, to make his mission useful to his country and injurious to its enemy. If a neutral vessel is asked to take him and his despatches on their way, to give effect to their mission by transporting them, the neutral cannot know or learn whether and how far the mission may be hostile. He must not intervene.

But, in the present case, the mission is, in its very nature, necessarily and solely, a mission hostile to the United States. It is treason within our municipal law, and an act in the highest degree hostile, within the law of nations. If a neutral vessel intervenes to carry such persons, on such a mission, she commits an act hostile in the same degree.

There are also circumstances of aggravation, not affecting the

[1] From the *Boston Daily Advertiser*, November 26, 1861.

legal character of the offence, but adding to its degree of hostility. It was notorious that these emissaries could not be safely taken on their mission by vessels of their own country. To afford them the concealment and safeguard of a neutral flag, was giving them aid where it was most needed. But for unusual enterprize in getting information, and resolution in tbe performance of duty, the aid afforded would have given all the consummation to the objects of the enemy which they needed on the high seas.

We rather look to see Mr. Seward or Mr. Adams call the immediate attention of Her Majesty's government to this violation of neutrality, than to see Lord Lyons or Earl Russell addressing our government on the subject.

### Winthrop to Adams.[1]

Boston, 25 November, 1861.

My dear Sir, — Your kind letter of October 10th was duly received. It was all the more welcome because I had not dreamed of putting you to the trouble of acknowledging my brief note of last summer. And I have delayed thanking you as soon as I should otherwise have done, lest I should seem to be involving you in the trouble of private correspondence, at a moment when more than all your time must be required for public business. Let me beg you, therefore, never to feel under the slightest obligation to reply to any little note of mine, unless there be some service which I can render you here, or until the return of peace shall have released you from the heavy anxieties and responsibilities which are now upon you.

It has occurred to me that you may be glad to be reminded, in connection with the case of Henry Laurens which is everywhere cited as a precedent for the seizure of Mason and Slidell, that the present Lord Albemarle has, at this moment, at his seat in Norfolk (Quidenham) a portrait of Washington, intended for the Stadtholder, which was taken by Capt. Keppel from the same ship in which Laurens was captured. It is *the* portrait in which Washington is represented with that *blue ribbon* across the breast, which has given occasion to so many speculations. When I was in London two years ago, Lord Albemarle invited me to run down to Quidenham to see it, and I presume he does not doubt that it was lawful prize. I think he will be bound to surrender it to the Dutch, however, before going to war with us for seizing the Rebel Ambassadors. At any rate it is a pleasant little incident which may serve to illustrate the English precedents on this subject. The success of our naval expedition,

[1] From the Adams mss.

and the evident "turning of the tide" in our favor at home, will do more than anything else in reconciling Great Britain to the course of Captain Wilkes; and, if McClellan gives us a great victory on the Potomac in a few days, we shall feel safe from any foreign molestation. . . .

Had my duties to my children allowed me to leave home, I thought a little of accompanying Bishop McIlvaine and Mr. Kennedy in a brief trip to Europe. But both Kennedy and myself have been obliged to abandon the idea. . . .

ROBT. C. WINTHROP.

Since finishing my note, I have read, with great gratification, your speech at the Mansion House, and congratulate you on its success.

### PALFREY TO ADAMS.[1]

BOSTON, 5 LOUISBURG SQUARE, November 25, 1861.

MY DEAR MR. ADAMS, — Let me begin with congratulating you on your speech at the Lord Mayor's dinner, which has just reached us. We read that it was received with great satisfaction in England. Here the opinion undoubtedly is that it [is] very exceedingly opportune and felicitous. Though we know but little as yet of the particulars of your action, it is certain that the utmost confidence prevails that our affairs in England are in prudent and able hands.

Before you receive this, it is likely that you will have been engaged with the affair of the mail-packet *Trent*. The jubilation over that adventure has been somewhat checked by apprehension of the effect which it may produce in England. But the citations which have been collected from the publicist authorities have, on the whole, dispelled anxiety, and those who are least sanguine as to the good temper of England on the occasion generally think that it forces her into the dilemma of either abstaining from complaint, or of desisting for the future from pretensions on her own part which have often caused us discontent.[2]

The town is wild with enthusiasm today about Wilkes's reception in Faneuil Hall. It has been storming, and I was not well enough for

[1] From the Adams MSS.

[2] Perhaps the most noticeable contribution was the letter of Theophilus Parsons, professor of law in Harvard Law School, printed in the *Boston Daily Advertiser*, November 29, 1861. As a legal question he concluded that "I am just as certain that Wilkes had a legal right to take Mason and Slidell from the *Trent*, as I am that our government has a legal right to blockade the port of Charleston." See also George T. Curtis in the *Boston Journal*, December 19, and Charles B. Goodrich in the *Boston Courier*, of the same date.

a strife with the weather. So I had to content myself with leaving a card at the Revere House, — he having just gone to the Navy-yard.

There is so much comedy in this tragedy of Mason and Slidell that one cannot but fancy Lord Palmerston enjoying it hugely in his solitude, however loudly, for appearance' sake, he may feel called upon to bark. Whatever it may turn out to be in other aspects, it is one of those telling incidents that for the moment must provoke the merriment of the world.

You must have been greatly refreshed and relieved by the intelligence of the descent on South Carolina. You know as well as we, that it has created consternation on one side, and revived confidence and resolution on the other. You can judge, better than most of us, what effect it is likely to have on the future course of events. Sherman, the general, has been hitherto distinguished only as a first-rate field-officer of artillery. Whether he has the requisite qualities for a sphere so much wider, is still to be determined. But, as far as the present experiences have gone, he appears to deserve credit for prudence and conduct. . . .

Vast numbers of people, who, but a little while ago, could not bring themselves to see that there was any moral or political harm in Slavery, are so changed that one would think they must wonder at themselves. Many of them have become altogether reasonable, and many of them not a little passionate against what lately they were caressing. "Seeing what we have seen, seeing what we see" there would be ample matter for amusement, if it did not rather inspire a very different mood of mind. . . .

I think you have seen the worst of England and English life. I do not relinquish the idea that, on further experiment, you will like it better. When what there is now of mutual distrust between the two countries is done away, your own position will be more agreeable. An unavoidable consciousness of it, I fancy, at present, detracts from your individual enjoyment.

November 26th. This morning we have President Davis's message.[1] It is very observable that he does not mention the invasion of South Carolina, and his references to the state of his finances and to the want of recognition from foreign powers, with the usual southern tone of bluster, have a distinct undertone of disappointment and melancholy.

The scheme of holding the Sea Islands, and producing their precious staple by free black labor, is opening. . . .

J. G. Palfrey.

[1] It was printed in the *Boston Daily Advertiser*, November 25, 1861.

## Adams to Everett.[1]

Fryston Hall, 27 November, 1861.

. . . . . .

You ask me my opinion of Mr. Seward's plan of operating on society here, and I will give it you frankly. It seems to me of no value, and based upon a very superficial notion of the influences that go to form opinion here. People of rank study the American question almost exclusively with reference to the questions that are agitating the nation at home. They are all more or less oppressed with a fear of the growth of democracy mainly through the success of the American example. And in my opinion this fear is not without very good cause. For under all the appearances of material prosperity which abound in this country, I think I perceive the seeds of change which will not fail to fructify on the first occasion of a turn in the wheel of fortune. The rich are growing richer and are rapidly absorbing in few hands the whole landed property of the three kingdoms. The poor are deserting agriculture and flocking to the manufacturing towns, where they live from hand to mouth. But for the great outlet furnished by emigration to the Colonies this change alone would have endangered the social economy ere this. The slower and more certain effect is behind — the growth of the consumers and the decline of the producers of bread. If Great Britain be now in terror for the want of the material with which to enable her working people to earn their bread, what will it be when circumstances render it difficult to get the bread itself? It is this fear that agitates society and renders it so much alive to the American difficulties. If the ghost of democracy can be laid the gentry think[2]

London, Friday, 29th.

The clouds have strangely gathered in the sky since this was written. I fully expect now that my recall or my passports will be in my hands by the middle of January. Please not to mention this as coming from me. Very truly yours,

C. F. Adams.

[1] From the Adams MSS.

[2] As the place of writing and date indicate, this letter was written at the home of Richard Monckton Milnes, in Yorkshire, where Mr. Adams was then a guest, and on the morning of the day upon which he, at a later hour, received news of the arrest of the *Trent* by Captain Wilkes, and the seizure of Mason and Slidell. Laying down his pen at this point to accompany his host and a party of guests in a visit to the ruins of Pontefract Castle, the closing paragraph of the letter was written in London, two days afterwards.

## Schuyler to Adams.[1]

Legation of the United States,
Paris, November 29th, 1861.

Dear Sir, — I shall be in London next Wednesday on my way to the United States, when I hope to see you. In the mean time if any complications arise which would bear upon shipments of arms from Havre or Hamburgh for the government, will you please inform Mr. Dayton of it, as I shall leave that matter to his discretion.

We all here are full of interest for you in the difficult questions raised by recent events.

It seems to me that with Great Britain we can justly claim the right of taking upon the high seas individuals charged with high treason, when they have never abandoned the right to claim under similar circumstances any man who is a British subject.

Every confidence is felt in your management of the business. Very truly yours,

George L. Schuyler.

## Winthrop to Kennedy.[2]

Boston, 29 November, 1861.

. . . . . .

Mason and Slidell continue in limbo — a just retribution for the leading part they have taken in plunging the Country into strife. England would have done the same thing under the same circumstances, but I am afraid the bluster on our side will provoke it on hers. I wish I felt as well satisfied that Morehead[3] and Faulkner[4] were imprisoned for good cause, as I do that Mason and Slidell are. A letter which Faulkner wrote our friend William Appleton, made us feel that his case was a hard one, and there is a story that his daughter is dying at Philadelphia, and that Morehead's wife has gone crazy. Meantime a miserable clamor has been raised by a few of our bitter spirits because some persons have sent down a few creature-comforts to alleviate the condition of old friends. One of our malignant presses calls us sympathizers in Rebellion and threatens to send our names to the Secretary of State![5] I hope you will give Seward to

[1] From the Adams mss.

[2] From the Winthrop mss.

[3] Charles Slaughter Morehead.

[4] Charles James Faulkner (1806–1884) was appointed minister to France by Buchanan, and was arrested on his return to the United States in August, 1861, and detained as a prisoner of state until December, when he was exchanged for Alfred Ely, member of Congress from New York, taken by the Confederates at Bull Run.

[5] See p. 94, *infra*.

understand that a malicious spirit of misrepresentation prevails in this quarter, which vents itself upon everybody who is not ready to embark in an Abolition Crusade. For myself, I have done so little for the prisoners, that I almost feel a compunction at having seemed wanting in kindness. It is wretched policy not to treat them with humanity and consideration. I go for putting down the Rebellion with all my heart, and whatever is necessary for the safety of the Government *must be done*. But the fewer extreme cases are exhibited as we go along, the fewer regrets we shall have in the end. We have had rare doings in Boston this week.[1] Sumner led off with a violent Emancipation harangue. Ward Beecher followed, and Wendell Phillips came after. To-night "Jim Lane" of Kansas, takes his turn. Meantime, the Wilkes banquet betrayed some of our more moderate men into expressions which were by no means happy. I trust the President's Message will straighten things out, and sound a key which will bring back the press and the people to the true music of the Union. We are on the high-road to success, if the mischief-makers do not tear up the track. . . .

ROBERT C. WINTHROP.

## MOTLEY TO ADAMS.[2]

LEGATION OF THE UNITED STATES OF AMERICA
AT VIENNA, 30 November, 1861.

MY DEAR MR. ADAMS, — You must pardon me for trespassing a moment upon your time, but, indeed, it is absolutely *necessary* that I should know from the fountain head, exactly the state of the case. I therefore implore you to write me a note, however short, as soon as conveniently may be, telling me what you are going to do, — whether you are leaving at once, or whether, as probably is the case, you wait until the response comes from America to the English declaration of war; for I suppose it can be regarded in no other light.

If I am making mistakes, you must ascribe it to the fact that I am only in possession of a brief telegram which reached me last night,

[1] Sumner's address was on "The Rebellion," and was delivered on Monday night, November 25, under the direction of the Fraternity Association. It is printed in his *Works*, VI. 71. Beecher spoke at the Tremont Temple on Tuesday, upon "Camp and Country." Phillips delivered a lecture at Music Hall, under the management of the Mercantile Library Association, taking for his subject "The War." In a revised form it is printed as "The War for the Union," in his *Speeches and Lectures*, 415. General Lane was on his way to take his seat in the Senate of the United States, and spoke at Tremont Temple. An outline was printed in the *Boston Evening Transcript*, November 30, 1861.

[2] From the Adams MSS.

dated yesterday, 29th. This purports to be an "*official*" statement in the *Morning Post*, that the "crown lawyers have decided the arrest of Mason and Slidell to be an invasion of international law, and an insult to England; and that the cabinet have resolved to demand satisfaction together with the release of the prisoners, an apology to them, and compensation."

I have not yet learned even the circumstances of the capture. I assume that the *Trent* is a merchant vessel, and that the arrest was upon the high seas. If these suppositions are correct, I take it that the idea of the action's being contrary to international law, cannot be entertained by our government. The English jurisdiction over its *merchant* vessels is of course only municipal, not territorial, and extends only to its own subjects, not to ours. The high seas are not English territory, nor is a merchant vessel of England navigating them, a portion of English territory. The law of nations governs on the sea, and that law justifies a belligerent in dealing with his enemy where he can catch him, except on neutral ground.

I beg your pardon for troubling you with what is at your fingers' ends. We know too well how often English cruisers in time of war have boarded our merchant men and taken out her subjects, even when they were our naturalized citizens, and that she has never renounced that right.

She has now thrown off the mask, and espoused openly the cause of the slaveholders. I am at least grateful to her, that she has put the issue so neatly, that there can be but one voice in America on the subject. She goes to war with us as the champion of Mason and Slidell, the two leaders of the slaveholders' rebellion — and all the sophistry of her judges, or brutality of her speakers and publicists cannot hide that plain fact.

She will damage us horribly, and hopes she has found the opportunity utterly to crush a hated rival; but I think she will find more resistance than she expects. Her first blows will be tremendous. When I left, there was n't a gun to defend Boston harbor, and I suppose orders will be sent to her fleets to pitch in at once — so that we are all about ruined. I really wish you would let me have a brief statement of the facts, as I am in a *most mortifying position*, if I don't know all that is to be known.

Am I right in my assumptions as to the facts of the arrest?

Am I right in assuming that the demand of England will be met by the peremptory refusal of our government?

Will there be any delay in the hostilities or will they commence at once?

After all, you are in a better position than any of us. You can

go home. We must stay, and never receive a letter from home, perhaps for years, and not know what is the fate of our nearest friends and relatives. Moreover, in case of the most stringent blockade which doubtless will be put on our ports, it will be almost impossible for us to obtain funds from America, even to support life.

I shall never regret that I have been completely duped by the English. I believed their statesmen governed by a high sense of honor and justice, and almost alone among Americans, I have been defending them every day. I never could have suspected them of such perfidy and brutality.

This conduct, if the facts be as I suppose, is one of the most infamous crimes that history has ever recorded. England stands up before the world, the champion of the slaveholders, in order to crush a nation which was at peace with her. I hope, at any rate, that our government will no longer hesitate to proclaim a general emancipation. It may be a *brutum fulmen*, but that is not so certain — and at any rate, it will serve still more to unmask the treachery and villainy of England.

Once more I pray you to let me have a line from you, that I may know exactly how the case stands. . . .

J. L. Motley.

## Adams to Motley.[1]

Legation of the United States,
London, 4 December, 1861.

My dear Sir, — I am here quietly waiting the development of events over which I have no control, and in which I had no participation. Down to the moment of the outbreak about the *Trent* I had been flattering myself that things were getting better here rather than worse, and that I was gradually gaining upon the confidence of the Government. But in critical times the mistake of a naval Officer may in a moment overturn the firmest superstructure. It was so in former times and it has proved so now. That Captain

[1] From the Adams mss. On December 3, J. D. Coleridge wrote from London to Ellis Yarnall: "I must unlearn Lord Stowell, and burn Wheaton, if there is one word of defence for the American Lieutenant [Wilkes]. . . . Here, however, I think the feeling is more unanimous than ever I recollect it — of earnest desire to avoid war if it may be with honour — of resolution to fight to our last man, to spend our last shilling, sooner than submit to an utterly unprovoked outrage." Yarnall's reply, dated December 24, before the decision to surrender Mason and Slidell, is in *Forty Years of Friendship* (Coleridge-Yarnall Correspondence), 85.

Wilkes acted solely on his own responsibility I have not a shadow of doubt. That on the basis of every English construction of the law of nations, as well as of its uniform practice the act may be defended, is equally clear to me. On the other hand, however, it ought to be remembered that the uniform tendency of our own policy has been to set up very high the doctrine of neutral rights, and to limit in every possible manner the odious doctrine of search. To have the two countries virtually changing their ground under this momentary temptation, would not, as it seems to me, tend to benefit the position of the United States. Whereas a contrary policy might be made the means of securing a great concession of principle from Great Britain. Whether the Government at home will remain cool enough to see its opportunity I have no means of judging. I am making my arrangements on the expectation of an opposite course. If I remain here after New Year I shall be surprised. Nor yet do I feel as if I wanted very much to stay. The best thing for the two countries would be a stoppage of relations for a short time without actual war. As it is you may well imagine that my situation will not be likely to grow pleasanter. Though personally people treat me well, and Government professes to be fully satisfied, it is by no means agreeable to be made an exception of. The distinction might be thought to imply a good deal more of subserviency than I am disposed to earn a character for. My countrymen may be sometimes wrong, but in their relations with the mother country from first to last I honestly believe that their record will stand before posterity by far the best. Neither will that portion of it which has been made up since these latest troubles began tend in my opinion to change the character of the verdict. Its principal characteristic on the side of England is intense egoism and short-sighted nationality. Its type is the Minister who guides its policy. Had the view been more expanded, had the mind of Great Britain addressed itself to the recognition of great moral results to be arrived at in the movement of opinion over the world towards the protection of the human family against wilful wrong, perhaps the course of events might have been different. It is not for us to call in question the course of Divine Providence which regulates all these things much better than any of us could aspire to do, for the benefit of the world.

Should the worst happen to us I do not quite see the consequences which you imagine to flow from it. There will be many neutral nations who will naturally seek to appropriate to themselves the profits which Great Britain will wantonly throw away. She may injure us on the sea-board, but she cannot subject us. And the end will be that changes will take place in the course of trade as well as

of political sympathies which may lead to important consequences in the course of years to the well-being of the British community. She has now no friends in the world not of her own blood. She will ultimately find the exception the most bitter of her enemies. She may conciliate the slave-holder of the South but her treaties with him must be made only as that of Faust was made, exchanging as present enjoyment for eternal condemnation. . . .

This last news caught us in the midst of a visit to Monckton Milnes. I find I cannot follow that practice farther.

Very truly yours,

C. F. Adams.

## Andrew to Russell.[1]

Commonwealth of Massachusetts,
Executive Department,
Boston, December 11, 1861.

My dear Sir, — I thank you for your note of the 7th, enclosing a slip from the *Evening Post* condemning the numerous manifestations of misplaced sympathy by some citizens of Boston with rebel prisoners confined at Fort Warren.

I fully appreciate your feelings in this matter, and share with the writer of the *Post* in his condemnation of that sympathy with traitors which makes men, in comparison with whom Benedict Arnold was a saint, comfortable in their confinement, while our own brave defenders of liberty and Union and the rights of man are cut off from all such sympathy by the rigorous despotism of the southern oligarchy — but I do not know of anything that I can do to prevent it.

I very well remember Mason's insolent overbearing demeanor in that memorable interview between himself and old John Brown, and can truly rejoice with you that, if he does not, in all respects, receive all the compensation for his baseness through a long public career in the few days which yet remain to him in this life, his power for future mischief is forever abridged, and that all the luxuries which Boston sympathizers with treason and with traitors can bestow cannot defeat the purposes and the plans of infinite justice. Very truly and faithfully yours,

John A. Andrew.

Edward Russell, New York.

[1] From the *Boston Daily Advertiser*, December 16, 1861.

## Adams to Dana.[1]

London, 13 December, 1861.

My dear Sir, — Probably the thing is all over with you before now; certainly it will be before this reaches you. It has been a curious state of feeling among us here to witness the calm confidence with which you repose in the belief that Great Britain will abide by her former policy, merely because you can quote chapter and verse against her. The experience of the past summer might have convinced you that she was not indifferent to the disruption of the Union. In May she drove in the tip of the wedge, and now you can't imagine that a few spider's webs of half a century back will not be strong enough to hold her from driving it home. Little do you understand of the fast-anchored isle.

But what provokes me most is that we should consent to take up and to wear her cast-off rags. Our record on this question as against her is like the Archangel Michael's as against Satan. And now we are trying to prove that she was right when she is ready to cry *peccavi*, not because she really repents, but because the sin has become inconvenient.

I have not time to enter into the argument. My present expectation is that I shall have a chance before long to talk it over with you. Ever truly yours,

C. F. Adams.

## Adams to Davis.

London, 13 December, 1861.

My dear Sir, — I am indebted to you for several letters which I regret to say I have not had the time to answer. They have all been quite encouraging in their tone, for which I was especially thankful. The worst thing we have had to contend against here has been the continuously unfavorable accounts from persons who affect public opinion through the newspapers.

Since the affair of the *Trent* matters have taken quite a new turn, and the disposition to take a hand in settling our affairs for us has become very predominant. We are all waiting with more or less impatience the answer to the message by the *Europa*. Most of us think that it has not been put in the most favorable channel to be pacific. So that we are making our preparations to accept a polite invitation to receive our passports. I hope the Government will be able to see its way to a contrary result. For really these two gentle-

[1] From the Adams mss.

men rebels do not seem to me worth what they are likely to cost us. But I pray you as the matter has already been in all probability decided before now, to keep this my opinion entirely to yourself.

With best respects to Mrs. Davis, I am, etc.

C. F. Adams.

To Charles Aug. Davis.

## Kennedy to Winthrop.[1]

Baltimore, December 16, 1861.

My dear Winthrop, —

. . . . . .

The Mason and Slidell affair now engrosses all discourse. The first rumbling from England has terrified many, and brought great joy to the sympathisers in the rebellion. I cannot believe that any present serious complication will grow out of it. I understand Seward takes it calmly, and that the graver portion of the *corps diplomatique* do not regard it so seriously as many do out of doors. As far as the English papers, yet received, disclose the objections to the arrest, it would seem that the crown lawyers admit the right to visit and search the *Trent*, but deny the right to seize the envoys without the adjudication of a prize Court. They say the Vessel should have been brought in. If that be the only irregularity complained of, how absurd to think that war must follow a refusal to deliver the prisoners. How still more absurd would be a peremptory demand and menace as the first act of the ministry, in such a case! But if this should be the course adopted by the ministry, it will be proof to us, that the Government has really been in sympathy with the Secessionists from the first, and has only been waiting for a decent pretext to declare in favor of that side. If that be true, it matters very little whether the breach occur today or next month. Another pretext would soon be found if this fail.

I don't believe this is the temper of the government, and I therefore think that, after due homage is rendered to King Demos, we shall wipe up the spilt good humor, and go on making mawkish speeches about Shakespeare and Milton, consanguinity and common language, as before.

But if we should have war, what then? I make no question about the surrender of Mason and Slidell — that, in no event, never! — What if we have a war with England on the back of the rebellion?

1st. An advance of all our troops to take the hazard of battle — this quickly. If successful, the rebellion may be crushed. If not successful, then

[1] From the Winthrop mss.

2d. The raising of the blockade, and, not long afterwards, an abandonment of the South. We may be constrained to recognize the revolution as a *fait accompli*. Then, what next?

3. The settlement of the division. We can admit ten states to be out of the Union. But we can never admit Kentucky, Missouri, Western Virginia, with Accomac and Northampton, and Maryland as parts of the Southern Confederacy; — thereupon will follow.

4. A war with the Ten Confederate States on a question of boundary, and a fierce war it would be. You may estimate the temper and the policy which would control that war, by reflecting that it would no longer be a war with erring fellow citizens to restore to them their constitutional rights, but a war with an acknowledged foreign nation. Think how wide would be the license of such a war, and to what attempts it would invite.

5. A continuous war with England till she was driven out of Canada.

6. An implacable hatred against England which would lead to a systematic rejection as far as possible of all commerce with her, and to a reliance upon our own manufactures.

7. The immediate establishment of an army, and the rapid augmentation of a navy, both able to cope with the utmost power of England. And then, with the memory of the wrong she has done us in our time of sorest need, a vigilant watch to strike at her, when the day of *her* distress shall come.

Don't you think these are the possibilities, if not the probabilities of the future, if England should take the false step of turning against us now? . . .

JOHN P. KENNEDY.

## DANA TO ADAMS.[1]

BOSTON, December 17, 1861.

MY DEAR SIR, — This steamer brings a terrific howl from England, on the *Trent* question. — "The smug and silver Trent comes me cranking in, and cuts me off from my domain, a huge half-moon, a monstrous cantle [out]"[2] — all the South!

On a question of international law, I would offer no opinion to a person understanding the question as you do; but on a question of Prize Tribunals and Prize Processes, I have, of late, acquired some little knowledge, and got into the way of forming opinions. If England is going to make war upon us on a question of *abatement*, when the verdict and judgment have done substantial justice, let her do it, and the curse of the God of Peace be upon her!

[1] From the Adams MSS.

[2] Henry IV, Part I, III. 1. modified.

But, independent of a question of Prize, did not your father, in one of his documents, say that Great Britain did not restrict her claim of the right to take seamen from our vessels to her own subjects? Did he not say that she extended her claim, as she did her usage, to Danes and Swedes, and men of all nations with whom she was at peace? I have never examined the question whether the taking of persons from a neutral vessel by a belligerent, when the having them on board was a breach of neutrality, can be justified on any other grounds than *as part of a Prize proceeding*. Is the belligerent obliged, in a clear case, to treat the vessel as a prize, and have the change of property in her passed upon by the courts? If the hostile act is merely the transporting of soldiers, may he make the soldiers prisoners, and make no claim on the vessel, and prove the facts as in all other cases of international conflicts on land? Is the omission to insist on the capture and bringing in of the vessel, a good ground of complaint? It seems to me that he may do so. The release is no injury to the neutral owner, or to any private interest, but a benefit. So far as the neutral sovereign is concerned, for the invasion of the flag, and territory, etc., cannot the question be decided between the two sovereigns as almost all other questions of conflict are, by the best evidence attainable of facts, and the opinions of jurists and constitutional advisers? To insist on the capture and taking in of the vessel, seems to me a confounding of two things that do not belong together.

But, if I am wrong on that question, was the *Trent* a lawful prize? On that you have, doubtless, a fixed opinion, to which I defer, without knowing what it is. My own opinion, and I think, the universal American opinion is that she was a lawful prize. Mason and Slidell were bound on an errand solely, necessarily, and extremely hostile. The mission was treason to the United States, and, in the view of the law of nations, one which embraced and included all possible hostilities; nor were they ambassadors, in the opinion of England. Their mission was notorious and of the highest character, and the *Trent* took them with full knowledge. She gave them what they needed most, transportation under safe conduct and disguise of a neutral flag; and she refused to our cruiser the right of search. If these facts would not condemn her, in any Prize court, there is no such thing as law to Prize.

But, now to my specialty! We understand Great Britain to say that however that may be, we were bound to insist on the capture of the vessel, and obtain an adjudication. And that the failure to do so is ground of complaint.

A prize proceeding is merely an *inquest*, by the Sovereign himself,

through his judicial branch, upon his own act done through his executive branch, to determine whether he will or will not ratify the capture. It is, in all its stages, a sovereign act, on sovereign responsibility. His executive officers seize, and he is responsible. He is not bound by the advice of his court, except morally, and is not exempt from responsibility because his judges pronounced it lawful prize. It comes down to this: — the usage of nations is settled that he must not treat the vessel as prize, or retain the fruits of the prize, and refuse to put the question through his own tribunals. The neutral sovereigns have a right to have the facts elicited in the usual judicial manner, and to have the chances of a decision in their favor, which decision is morally conclusive against the belligerent. But the court is bound by the will of the sovereign, as in the case of the orders in Council, and he is responsible for holding to the decision, if neutrals think it unjust. And it is not conclusive in his favor, as a political question, in case of an open mixed commission, as in our case, in 1795.

The Prize Court does not sit *inter partes*, to determine litigated question between private suitors, or between the sovereign and a private person; but it is an *inquest*, held by the sovereign's direction, *ex parte* entirely, passing upon questions not voluntarily submitted to it, either by actual or implied assent, relating to the property of aliens and strangers, over whom it has no jurisdiction, by consent or otherwise, seized and brought before it by force; and, if the sovereign follows its decisions, he is politically responsible.

This being the theory of the Prize Tribunal, (which in England, is not the House of Lords, but the *Queen in Council*), there are many cases which cannot be submitted to it. The Court cannot decide questions or propositions. It must have, actually or by fiction, a *res* before it to pass upon. Whatever the Privy Council may do, our Supreme Court cannot advise, or give opinions on mere questions submitted by the sovereign.

If the prize is lost, abandoned as unseaworthy, lost in the taking, or any other case of necessity arises which requires the captor to so treat the prize that there shall be no cause possible for the Court, it is enough for the sovereign to show, otherwise, that the capture was lawful, and to account for the failure to have an adjudication. Suppose a neutral vessel taken with a regiment of rebel troops on board, which had run one blockade, and was bound to another blockaded port, and the captor requires all his own men to guard his prisoners, and must either release the prize or destroy her, and he does the former, out of tenderness to the neutral, retaining the troops, but retaining, and using no *thing* which can be, even by fiction, the

subject of adjudication, — must the sovereign, at the peril of war, restore the regiment to the neutral sovereign's control, because his officer so acted that the question of the vessel being a prize cannot be passed through the courts? Is it not competent for him, under the law of nations, to show two things, *first* that the vessel was a good prize, and second that the failure to carry the case through the Courts was from necessity in the exercise of a reasonable discretion, *bona fide*, and attended with no possible injury either to the neutral owner or to the Sovereign, as, for instance, no loss of testimony or means of proving facts, — nothing that throws a cloud or doubt over the cause? To me, it seems that the sovereign must be entitled to do that, under the law of nations. And for a neutral to insist on a restoration of the troops, *without reference to the question whether the vessel had made herself liable, and why she was not taken through the courts*, would be utterly unjustifiable.

As to the general view, I think our people are full of resolution. They wish to be in the right, and will do anything to avoid a war which is not undignified; but, if England makes a war which our people believe to be a war of pretext, the *animus* of which is to divide our empire, our people will enter into it with a zeal which has never been known before in our history.

You, my dear sir, must be having a peculiarly jolly time! I think often of your situation. You are the truest martyr of these days.

What a shame and pity it is, now, that the personal and political enemies of Mr. Seward have been so industrious in making him suspected and disliked abroad, and by the diplomatic circles here! I think his despatches and correspondence, furnished with the message of the President, do him great credit, and have restored confidence in him here. Yours, with respect and sympathy,

RICHARD H. DANA, JR.

## ADAMS TO SEWARD.[1]

LEGATION OF THE UNITED STATES,
LONDON, 20 December, 1861.

SIR, — Although nothing remains to be done here to modify the respective positions of the two countries in regard to the affair of the *Trent*, I decided to ask a conference of Lord Russell for the purpose of talking over the substance of your communications to me in Despatches No. 136[2] and No. 137. It was appointed for yesterday at three o'clock, when I enjoyed an opportunity for full and frank conversation.

[1] From the Adams MSS.

[2] November 30.

My main object at this time was, so far as I could, to disabuse His Lordship's mind of the impression which certainly exists there, and in a much stronger degree among most of his colleagues in the Ministry, that the Government of the United States and most particularly the Secretary of State, the organ of communication with Foreign nations, is bent upon a hostile policy towards Great Britain. I began by expressing my surprise at the prevalence of such an idea for which I could not well comprehend the cause. His Lordship then made a general reference to a speech said to have been delivered by yourself last year, which set forth the acquisition of Canada as an offset to the possible loss of the slave-holding States.[1] To which I replied that I could not precisely recollect what speech of yours was referred to, but that from my personal knowledge of the tenor of most of them, I would confidently affirm that any such reasoning was in its essence speculative, and had reference to the probable course of future events without in any way involving the adoption of a distinct line of aggressive policy to bring them about either now or hereafter. I knew that I had entertained similar notions, but I was very sure that a war to effect any artificial result was never in my contemplation. A conquest either as against Great Britain or the people of the Colonies was the very last way to realize it. It was wholly inconsistent with our doctrines. Here his Lordship expressed doubts and instanced the case of Texas and Mexico. I admitted the exception as valid, but observed that it had been brought about under the adverse influence of the very power now in arms against our authority. It was one of the causes which had brought on the present difficulties. The present Government would not be disposed to rely on it as a precedent.

I then remarked that my Despatches enabled me now to assure him that the act of Captain Wilkes had not been authorised by the Government, and further that they would reserve themselves perfectly free to act upon it until they should hear from this side of the water. If Her Majesty's Ministers were disposed to enter upon the subject with a view to an amicable adjustment they would be met in an equally friendly spirit. His Lordship expressed his gratification on receiving this information. He had himself little doubt in regard to the first point ever since learning from me the nature of the instructions given to the Commander of the *James Adger*. The other point was likewise important inasmuch as it removed the danger of committal prior to the moment when the views of the Government should be presented on the part of Great Britain.

I then proposed, as a means of fully bringing to his Lordship's

[1] Bancroft, *Life of William H. Seward*, II. 153.

knowledge the real spirit of the Government of the United States, that he should let me read to him a Despatch exactly as I had received it. A judgment might be fully formed of it in this way inasmuch as the paper had recapitulated the various grounds of misunderstanding and complaint. His Lordship said he should be glad to hear it, so I read all the Despatch No. 136 but the first paragraph personal to myself. After I had concluded His Lordship touched on two of the points there made. The second being the case of Mr. Bunch, having been already settled in the correspondence that has taken place, was of course omitted by him. In regard to the others his representations, I must concede, carried with them much force. He admitted that the opinion of the Attorney General on the Enlistment Act, upon which alone they could draw an authority to interfere, was adverse to the application of a restriction in cases where the *intent* to carry arms and supplies illegally was not fully established. But he observed that on the other hand it was well known that much greater quantities of arms and supplies had been transmitted from Great Britain by the authorities of the United States, without let or hindrance. The facilities of the latter in obtaining them safely were so much greater that on the whole it seemed to him the advantage if any was on their side. I confess I could not answer this argument. The consciousness of this truth has impaired my energies in making remonstrances from the outset. Neither did I seek to disguise my impression from his Lordship.

On the third point his Lordship contested the fact as stated in the Despatch. He recapitulated what the Government had done as regards the assistance said to have been rendered to privateers in the Colonies. Supplies had been refused by the authorities in all cases. Whatever had been obtained had come from purchases of individuals. The only difference that he could find between the action of this Government and that of other nations was that the stay of belligerent vessels was confined by the latter to twenty-four hours. As to that he said that the omission to insert the same provision in the British orders was by no means owing to unfriendliness to the United States. On the contrary it was thought that if a Government vessel of theirs should put into any port, such as Malta, for example, to stay a short time, it had seemed to them churlish to issue a decree to limit it to a single day. He said he had taken some pains to make inquiries as to the action of other Governments, and so far as he could learn he found it in other respects substantially the same.

In conclusion I expressed the opinion that at best there was nothing in all this to make a moment's difficulty between countries

really well disposed to one another. The only serious trouble was in the case of the *Trent*. And as that was not a matter of discussion on this side of the water, I should content myself simply with asking his Lordship, but not in any official capacity, to give me such information respecting the position of that question, as he felt at liberty to communicate, in order that I might form for myself a judgment of the arrangements which it would be necessary for me to prepare. If I were to draw my conclusions from the tone of the newspapers supposed to be in the confidence of the Government, I should be obliged to infer that war was inevitable and immediate. I was anxious to correct these impressions if there was any room left for me to do so.

His Lordship then went into an explanation of the measures taken by the Government, which it is needless to recapitulate, as you know them already. The conclusion which I drew was that if both Governments were really bent on preserving the peace there was nothing in the nature of the difference itself to produce a war between them. But nations have been so often precipitated into difficulties by circumstances having no necessary connection with the causes of offence that I find myself compelled to await the development of events rather than attempt to waste time in predicting a result.

I have the honor to be, etc.

C. F. Adams.[1]

## Motley to Adams.[2]

Legation of the U. S. America.
Vienna, December 20, '61.

My dear Sir, — I was exceedingly obliged to you for your very interesting letter of 4 December, and perhaps you will hardly think

[1] The following letters from Adams and Seward on the *Trent* affair are printed in *War Records*, Series II, II.

| *Adams to Seward.* | | *Seward to Adams.* | |
|---|---|---|---|
| *November 15, 1861, p. | 1078. | November 30, 1861, | 1108. |
| November 29, | 1106. | December 27, | 1143. |
| December 3, | 1115. | December 28, | 1157. |
| *December 6, | 1119. | December 30, | 1159. |
| *December 11, | 1122. | | |
| December 12, | 1123. | | |
| January 2, 1862, | 1162. | | |
| *January 10, | 1168. | | |
| January 17, | 1178. | | |

The despatches that are starred were not printed in full, but nothing relating to the *Trent* affair was omitted. Seward's despatch to Lord Lyons, December 26, 1861, is in the same volume, 1145.

[2] From the Adams mss.

that I am taking a becoming way of manifesting my gratitude, by writing so soon again, and again asking for a line or two in reply. When I wrote to you three weeks ago, it was under the excitement of the first announcement by telegram that England had sent a peremptory demand to Washington. That demand if expressed in the terms and tone indicated by the journals which we know to be in the confidence of, and very subservient to, the prime minister seemed little short of a declaration of war, to take effect within a limited period.

Your letter was very satisfactory to me, and I have great pleasure in expressing my hearty concurrence with all you say. To accept war with England now if we can avoid it with honor, seems little short of madness. It hardly needs an argument to show the disastrous results of our providing the South with so potent an alliance as the fleets and armies of England will be for her. Strange enough that on the first day of Congress it should have been voted to thank the man whose blunder has placed the country in such a perilous dilemma. I take great pleasure in feeling sure, from the tone of your letter to me, that you have given the government the most sagacious and statesmanlike counsels in this grave emergency. I shall not renounce the hope that prudence and dignity and real patriotism will silence the clamors of passion — until the possibility of hope is taken away.

The American government has now an opportunity — such as is rarely afforded — to manifest to the world that it is not subservient to the mob (according to the calumnies of its enemies), and that it is capable of holding on to the lofty principles of international law which it has always maintained. To my mind there could be no more legitimate triumph for us, than thus to rebuke the tyranny which Great Britain, when belligerent, has ever exercised over neutrals and over us, most of all. Still, I see infinite difficulties in the way, — for to give up the commissioners, without procuring the *adhesion* of England to the principle on which such surrender is founded, would hardly be compatible with our character or our future safety. I don't desire that we should now adopt the Lynch law always practised on the ocean by England in place of our own time honored principles — but it is necessary to protect ourselves in future against a despotism which, on the seas, has ever been as unscrupulous as any of the tyrannies which, *on land*, England permits herself so loudly to rebuke. I take some consolation from the prudence manifested by the President in his silence. Silence was never more golden than at this moment. At any rate there will be time for the govt. to get your despatches, and it is with the ut-

most sincerity that I express to you the comfort it gives me to reflect that we have a minister in England, at this moment, so able and so high minded. I could say a *great deal more* but I don't wish to have the appearance of a flatterer, and so will content myself with repeating my conviction that the interests and honor of the country could not be in purer or abler hands.

You may suppose that I am anxious enough at this moment. I am so isolated, and so in the dark. Even now I am ignorant as to the precise terms of the English demand, and of the instructions to Lord Lyons in the premises. I know nothing except what I see in the newspapers, and can learn from my colleagues.

Would it be asking too much to request you to let me know exactly what the English Government has demanded, how long Lord Lyons is to wait for answer, and whether, if he leaves because of not obtaining the commissioners, a declaration of war is at once to follow, or whether the English will entertain the notion of arbitration, or still better, of a *general* conference of the maritime powers for the purpose of revising the international code, and including the present case under such provisions.

The despatch of Earl Russell to Lord Lyons can be no secret — for the French ambassador told me that he had received an epitome of it. Count Rechberg[1] has also a copy of it, and of course, Lord Bloomfield.[2] It seems rather hard that the person in Vienna most deeply interested in the matter should be in the dark, but it would not be agreeable to me, even if it were feasible, to ask any of these gentlemen to enlighten me, as to what I am supposed to know, at least as well as they.

If you could find time to write me half a dozen lines, letting me know, as far as you feel authorized to do so, what has been written to Washington, and, furthermore, what language has been held on the subject, by word of mouth, as well as writing, either in Washington or London since, you may rely on my entire discretion. I hope that you will not think me importunate in making this appeal *ad misericordiam*. You certainly will not suppose that I desire to interfere, in the least, with your functions, by even a word of advice. But we are so inexpressibly anxious, and I am so much in the dark, except so far as my course is lighted by the noxious and misguiding exhalations of the London press, that I am forced to intrude upon you, and more than I otherwise should do. It would be a great

[1] Count Johann Bernard Rechberg, who in 1859 succeeded Karl Ferdinand, Count von Buol-Schauenstein as Prime Minister. He held office until 1864.

[2] John Arthur Douglas Bloomfield, second Baron Bloomfield (1802–1879), who served as British ambassador to the Emperor of Austria from November 22, 1860, to October 28, 1871.

satisfaction if I could come into Mansfield Street, for an occasional half-hour's talk.

I maintain the best relations with the English ambassador here, and shall continue to do so, as long as circumstances will permit. He is an amiable and excellent man, and as sincerely desirous as I am, that the impending war should be averted. Of course we cannot enter much into the *merits* of the case, nor is it either his affair or mine — but their sympathies, when I first arrived here were fully with the North, and I can't but think that there must be many in England who will feel disgusted, when they find themselves engaged in an alliance offensive and defensive, with the slaveholders. The Austrian Government is most earnest in deprecating the war. The minister of foreign affairs is very anxious. The French ambassador assures me that there is not the slightest possibility of his Government taking the part of England — but that absolute neutrality will be maintained. I am assured by private letters from Paris, that this neutrality, so difficult to preserve, will be sympathetic not to England but to America. I think I understand the series of party intrigues in England which has at last caused the government to seize upon this pretext for raising a popular war cry in order to maintain a moribund ministry, or to effect a coalition. But I forbear to touch on a subject on which you are so much better informed. I have no desire, either, to characterize the conduct of England towards us — as manifested by its press and its public men — with a few honorable exceptions. It would be difficult to do it, without using more violent and passionate epithets than I feel inclined, just now, to indulge in. I hope however that our Government will have the wisdom to frustrate the foul intrigue by which England is seeking our destruction, in this crisis of our history, and to parry the blow which she is aiming at our heart. . . .

J. L. Motley.

## Davis to Adams.[1]

New York, 21 December, 1861.

My dear Sir, — A late steamer brought here rather startling news from England in relation to *Trent* matters, and all our securities turned a *summerset*, going down about 10 per cent. The next day, however, and mainly on the publication of General Scott's letter, these sundry securities advanced a little, but they all continue depressed, and our "Treasury Secretary" not less so by reason of the alarmed money market.

[1] From the Adams mss.

The public generally rather regards the Wilkes affair unfavorably, and would much prefer it had not occurred at all. For my own part, tho' I tried to *talk* "as big" about it as the tallest and fattest of John Bulls, I rather incline to think it would establish an unsafe precedent, and might in time trouble us, when we should or might become neutrals, and *John* belligerent; and we hear from time to time of sundry "mutton heads," British Commanders, boarding our vessels and deciding what was or was not *Contraband*, and taking out this or that *bundle*, *box* or *bale*, and let the neutral go.

I think it would be safest now to establish a sounder principle by *sending in* and let a far more capable tribunal decide. I don't see any practical difference between *persons* and *parcels*, tho' on this occasion, one bag of "salt-peter" marked R would be of more value than the four persons taken from the *Trent*. We are yet all ignorant here regarding despatches received by Government or Lord Lyons, altho' the newspapers have invented all sorts of stories, and left the public mind to make all sorts of conclusions, etc., etc. I rather think if matters so turn that Mason and Slidell are released, it would for a few days occasion some escape of gas, but only make the boiler more secure.

General Scott's letter seems to give general satisfaction here.[1] Everybody I hear speak of it gives it hearty approval. Some of the points are well put. If we (or Captain Wilkes) began this seizure-irregularity, I don't see any wide difference between our case and that of a Plaintiff whose case, tho' a good one, is *nonsuited* for reason of not *commencing regularly*. So he has to begin again, altho' in the meantime the defendant has made-way with all his effects. I don't think Great Britain will gain anything in the estimation of our people, no matter now how much or how often she may *take advantage* of us and our condition. Our people have good memories.

If it were only now to *stop the joy* of our rebels, I would almost at once say to England "If you want Mason and Slidell and Co., we will let you have them (and would be glad if you would take a hundred or two or more of the *same sort*). We only hope you will punish for us the Captain[2] and owners of [the] *Trent* for their disregard of your Queen's proclamation." It will be a long time before our people will forget the conduct of England in relation to the recognition of these rebels as *belligerents*. *That* is regarded here as a very shabby course of conduct and may too soon for England "return to plague the inventor"; but for *that* I sincerely believe our *rebels* would

[1] Said to have been written by John Bigelow and signed by Scott at the instance of Thurlow Weed. It is published in the *New York Times*, December 19, and in the *Boston Daily Courier*, December 20, 1861. Bancroft, *Seward*, II. 231.

[2] James Moir.

long ere this have gone back to their "original element." Many a valuable life would have been saved on both sides, to say nothing of the millions of treasure wasted. The final result will be, we shall only be constrained to whip out these rebels *more severely*. I see it stated by Yancey and others they only ask to be *recognized* — "they ask no more — neither money or ammunition." "That is very cool," and it reminds me of a story Mr. *Parish* used to tell here some years ago: that he made the fortune of many a Jew broker in Hamburgh by allowing them to take his arm on 'Change by their special request, the impression being that he (*Parish*) was too proud to let a "poor man" take his arm.

I am told that "*secession*" is a *term* now discarded by the *rebels*. They prefer to be called "*revolutionists*." They find that the doctrine of "secession" too nearly approaches the *folly* of *peeling a cabbage* till a solid part is found, and when the job is finished they find nothing but a small leaf left, and they thus run the risk of bearing the name themselves, of what they have utterly peeled down to nothing — a "Cabbage head."

I take the liberty of sending with this a letter *to General Scott*. Will I trespass too far on your kindness by asking you to cover it in the next parcel you may be sending to Mr. Dayton in Paris?

It is rather a curious fact that Mr. Welles, our Navy Secretary, in his report for that department, agrees exactly with the *reputed* opinions of the "Law Lords of the Crown," and altho' some "dull heads" think the Secretary did not exactly mean to convey such an opinion, I can't well see any difference. One point is very clear, our *President* shows a clear record, and all that is reported of his having said, has been, "We are always ready to do right. I can afford to do so, and I suppose the country can also."

Our forces on land and water, tho' as yet performing no very brilliant display are putting themselves in position to "strike hard" when they do strike, and the longer the delay, the less will be the sympathy North for the sufferers South. Very respectfully yours, etc.

CHARLES AUGUSTUS DAVIS.

## ADAMS TO MOTLEY.[1]

LEGATION OF THE UNITED STATES,
LONDON, 26 December, 1861.

MY DEAR SIR, — My correspondence has multiplied so much since this last trouble, that I must put all my friends on short commons,

[1] From the Adams MSS.

or else give them nothing. I will endeavor to answer the questions you put to me, only begging you first of all to pardon me if I do not dilate so much as I should like to.

And first of the British demand. Lord Russell has not vouchsafed a copy to me, but he has given me the substance, which in matter does not vary materially from the account given of it in the French newspapers. In form he tells me that it takes the shape of *two* despatches, one preliminary, to apprize us of the nature of the other. The tone of both very moderate and nothing expressly said of the course of action to be taken in case no attention be paid to the requisitions, which are the return of the men and a suitable apology. Should nothing satisfactory appear at the end of a week, then Lord Lyons is to quit. And further the Deponent said not.

Of course I am at the mercy of events. It will scarcely be likely that I should be permitted by our own Government to stay, unless they should make up their minds to make some concession, and in that case it would seem as if the right time for doing it would be before rather than after Lord Lyons's departure. What will actually be determined on I know as little as you do. What *is* known to me is this. 1. That Captain Wilkes acted without authority. 2. That the President has not yet approved the act. 3. That the Government will not change its position until it has had an opportunity for amicable discussion with Great Britain. With these bases you are as well qualified to judge of the future prospects as myself.

I agree with you in the opinion that in case of our yielding the point some security should be had that England will not whiffle back again to her old doctrines on the first occasion just as she has under the present temptation whiffled round to ours. Fortunately for us the course of the French Government comes in to be of material use to us. In the face of their appeal, it would be difficult to make a change which would not compel a more solemn appeal to her. Indeed nothing strikes me so much here as the awe in which this country stands of France. It never was so before that I remember. The anxiety shown to know the course France would take in this case, and the satisfaction manifested at the result, are indications of something which it would be of use to ascertain.

Last of all you ask me whether a declaration of war is to follow at once. I think not unless our people are more insane than I give them credit for. The Government here will not press the thing to an extreme unless they are driven to it by the impetus of the wave they have themselves created. The calculation has been that it would rise only high enough to float people over the next session of Parliament. But there are so many failures in this kind of arith-

metic that I dare not put much confidence in the result. It is said that Lord Derby was consulted before the measures were taken, and approved them. But if the body of the Tories think anything is to be made by driving on to a war, that will not prevent their risking the attempt.

In the midst of this the country has lost its best adviser, in the Prince, who had no party objects to bias his opinions, and whose system was a little more expanded than that of the more exclusive English school. I have reason to believe that one of his very last acts was to recommend to the Queen to modify and soften the language of the Despatch to America. He believed in the policy of conciliating the United States instead of repelling them. That he has gone from us at this moment is, I fear, to be counted among the misfortunes to which our poor country in its great trial was to be exposed. . . .

C. F. Adams.

### Adams to Seward.

Legation of the United States,
London, 27 December, 1861.

Sir, — Although many of the leading presses zealously continue their efforts to keep up the war feeling here against the United States, I think the signs are clear of a considerable degree of reaction and of a growing hope that the friendly relations between the two countries may be preserved. Of course everybody is waiting to hear of the issue of the demands transmitted by the *Europa*. Much gratification has been expressed at the publication of the Despatch addressed by M. Thouvenel to the Government through M. Mercier,[1] as also at the treatment of the question of the *Trent* by M. Hautefeuille. Indeed the harmony of sentiment on this subject is so general throughout Europe as to have very much increased the confidence of the British Ministry in their position. They are even disposed to put up with unusual patience with the severe reflections made on the past policy of Great Britain in consideration of the substantial advantage they gain in the immediate dispute. Unquestionably the view of all other countries is that the opportunity is most fortunate for obtaining new and large modifications of international law which will hereafter materially restrain the proverbial tendency of this country on the ocean. My own opinions to the same effect have been already so freely expressed that it is needless, if it were not also superfluous, to repeat them, especially now that the decision is probably complete.

[1] Printed in *War Records*, Series II. II. 1116.

But even if it should be possible to escape the immediate danger from the present difficulty, my confidence in the tendency of things towards peace in this country has been so much shaken as to make the prospects for the future quite doubtful. Parliament will probably assemble somewhat earlier than has been anticipated, perhaps by the 16th of January. It will then be impossible to avoid a general expression of opinion upon American affairs. Of what a character that will be, some idea may be found from the various addresses made during the recess by members to their respective constituencies. As usual in all deliberative assemblies having freedom of speech the popular tendency will be towards the most positive doctrines. The war party will in this particular enjoy the advantage which they will not fail to use with effect against the Ministry of Lord Palmerston, especially if there be the smallest opportunity of reproaching it for any concession on a point of honor. Even if in this particular they should find it difficult to make an issue, they will not fail to go on and urge the application of a limit to the law of blockade, as well as to the refusal to recognize a *de facto* Government. In both these cases the ground has been already broken by the public press and by particular members. So that although Lord Russell in a portion of his latest conversation with me affirmed that we shall have full opportunity given to us of trying our experiment of overcoming the rebellion before action on their part, it is not quite clear to my mind that he will very long retain the power to make his words good. I have felt it my duty at this time to enter into such speculations solely because I think I ought to prepare your mind for the possibilities that may follow a settlement of the immediate difficulty. Neither do I wish to undervalue the amount of sympathy and good will that may be brought into play to avert the threatened danger. It is from the friends of our Government that I gather most of my conclusions. And one of them is that nothing but very marked evidences of progress towards success will restrain for any great length of time the hostile tendencies developed by the case of the *Trent*.

I am happy to say that I have seen and conferred repeatedly both with Bishop McIlvaine and Mr. Weed. I think their services have already been of material use, and that they will be of still more hereafter if peaceful relations should be preserved. The industry of the Confederate emissaries in poisoning the sources of opinion, as well as in disseminating wholly erroneous notions of the nature of the struggle in America, has been unwearied. And where the seed has fallen on favorable ground it has germinated strongly and fructified well. But the effort to conceal the true issue and to sub-

stitute a false one has failed. The progress of affairs in America is daily more and more exposing its real character. Much as the commercial and manufacturing interests may be disposed to view the tariff as the source of all our ills, and much as the aristocratic classes may endeavor to make democracy responsible for them, the inexorable logic of events is contradicting each and every assertion based on these notions, and proving that the American struggle is after all the ever-recurring one in human affairs, between right and wrong, between labor and capital, between liberty and absolutism. When such an issue comes to be presented to the people of Great Britain stripped of all the disguises which have been thrown over it, it is not difficult to predict at least which side it will *not* consent to take.[1]

I ought before closing this letter to make one remark in regard to the manner in which the telegraphic intelligence from America is made up here. Finding what its tendency is, I thought it expedient to seize the occasion of a voluntary transmission of the favorable news from Port Royal to me by the agent, Mr. Reuter, to have some conversation with him on the general subject. I concluded to go so far as to offer to subscribe for the American portion of his labors for the time I might remain here, or else, not exceeding one year. In consequence he offered to let me have the advantage of sending messages to the Government, if I wanted to do so at any time. I know not precisely what the cost of this will be, nor whether the Department will authorize my charging it on the contingent fund of the Legation or not. But both for its political and personal advantages in my present situation, I regard the step as having been so wise that I shall continue it in any event during the present season. The telegrams are not yet what they should be; though not so bad as they were. I learn from another source that they are transmitted through Liverpool where they suffer gentle modifications from the hands of some directors of the company not well affected to our cause.

I have the honor to be, &c, &c, &c.

C. F. Adams.

## Adams to Everett.[2]

London, 27 December, 1861.

My dear Sir, — The article from the *Scotsman* to which you refer attracted my attention immediately on its publication. It is one of many instances which have come under my observation of

[1] To this point this despatch was printed in *Diplomatic Correspondence*, 1862, 12.

[2] From the Adams mss.

the uses made of the press in Great Britain from central points and high sources in order to affect public opinion. I presume that the Emperor of France set the example of this sort of manoeuvre. It has been so much improved upon here however that it almost takes the character of ubiquity. One effect of it is to render it rather hard for persons not in the secret to distinguish the genuine from the spurious articles. I had reason to know in the case of the *Scotsman* that the information must have come from authority. Occasionally I can detect the same thing in other quarters. But my chances for knowing how often it happens are of course very small and hence the resort to conjecture must be very unsafe. I dwell on this subject the longer that I have been for a fortnight very much exercised by it. I have reason to be sure that on particular occasions at least four London newspapers must have been prompted. If from this I should jump to a general conclusion that they always are, I should have to make up my mind that war with America will break out directly. Yet on the other hand I am from other reasons bound to believe that such is not the settled policy, nor is it even likely, unless the disposition of the Government of the United States be to invite it.

In regard to the immediate point at issue, we shall so soon get a determinate answer that speculation upon it would be idle. But should we succeed in reaching a peaceful solution of that problem, the way in which it leaves us is far from encouraging for the future. The development of the inner feelings of large numbers of people of all classes has been unmistakable. The dislike of the people of the United States has not surprised me half so much as the fear of them. There is an instinctive feeling that the continuance of our system of Government in its career of prosperity will ultimately prove the destruction of theirs. Hence the ill-suppressed satisfaction with our misfortunes and the fixed determination of some to make our recovery impossible. Hence you will observe that just in the proportion that we may appear likely to restore ourselves, will the inclination manifest itself to seize upon some ready pretext to remove the prospect further than before.

Parliament will soon meet and we shall then have an opportunity for better observing the progress of this game.

Among our misfortunes I count the loss of Prince Albert. Although without any direct political influence his judgment and calmness were not without their effect on the course of events. It is generally understood here that his policy was more conciliatory than that of the prime minister. Very truly yours,

C. F. Adams.

## The Surrender of Mason and Slidell.[1]

The Secretary of State has undoubtedly covered the retreat in the Mason and Slidell case with masterly skill. Drawing from the well-stocked armory of our old arguments for the rights of neutrals, he has readily found a weapon effectual to parry the savage thrust made at us by England. A *casus belli* he has converted into an occasion for procuring the settlement of a great question of international law. We do not now inquire into the nature of the argument, by which he decided that to be wrong which the ablest jurists have declared to be right, and by which he claims to preserve national consistency in a surrender, when the capture itself had been well argued to be consistent with theory and precedent. It is perhaps enough for this aspect of the case to say that the grounds of adjustment are no doubt such as in the long run will be satisfactory to this country, which is mainly interested in the liberal interpretation of neutral rights, and might hereafter be a matter of some regret to England, who has a correspondingly paramount interest in belligerent rights, — if indeed that power ever hesitated to exercise any right, for which might can furnish the law.

The dry question of law, however, as we conceive, is now the least important part of the case. The essential inquiry is as to the spirit and method in which England has sought a solution of the difficulty. Upon this head we invite the attention of our readers to a short review of a few facts, as the matter is apparently about to be temporarily laid aside.

The news of the arrest of Mason and Slidell reached England on the 27th of November, through channels openly hostile to the United States. The action of the English government was resolved upon on the 29th and publicly taken on the 30th, before the American minister in London could learn anything from his own government as to the facts, and before it could be known whether the United States had ordered or would ratify the act of Captain Wilkes. The action thus taken, without opportunity for the correction of errors or the ascertainment of the truth, included, — 1, the despatching of a demand for the surrender of the men and for an apology; 2, the prohibition of exports of arms and munitions, then in progress, for the aid of the United States in dealing with the rebellion; 3, very extensive and ostentatious naval preparations; 4, the instant despatching of troops, in as large bodies as could be mustered, to Canada. It matters not in what words the diplomatic proceedings were conducted. These four measures are the parts of a single act; the

[1] The leading editorial in the *Boston Daily Advertiser*, December 30, 1861.

despatch to Lord Lyons and the Queen's proclamation bear even date; all that was done must be viewed as a whole, and one part of the proceedings must be judged in the light of the others.

The terms of Earl Russell's despatch, however, although the traditional decorum of diplomacy is preserved, suit well with the rest of the proceedings. The question whether or not the seizure of the rebel envoys was an affront to the British flag and a violation of international law, has been settled in advance, and is not open to argument. The terms which "alone could satisfy" her Majesty's government are, the liberation of the persons seized and "a suitable apology for the aggression committed." It matters not in what proprieties of diction such propositions as these are couched; they are essentially arrogant and offensive. Coupled with such military preparations as accompanied them, and were plainly intended to increase their efficiency with our government, they carry a threat as well as a demand. And when addressed to this country, after the asserted forbearance of years, with an evident preference for that precise moment when our powers are taxed to the utmost, and our national existence menaced by a domestic foe, the whole proceeding is overbearing, cowardly, and dishonorable beyond expression.

At another time our government, whatever its view of the law of the case, would not have been likely to pass by proceedings so extremely offensive, even if England had indulged in them. At present, however, it has been judged impossible to resent this public humiliation. It is the duty of every patriot to stand by the government in that decision, without cavil and without hesitation. With a heavy heart, we confess our own inability to discern any other course which offered, either safety from utter ruin for the national cause, or security from a final and perhaps worse blow to the national pride. Even now, so undefined is the palpably sinister purpose of England, that we cannot but feel it to be uncertain, whether the issue has been postponed for years, or only for a few months. But we say with solemn and deliberate conviction, that this nation will deserve to PERISH when it forgets the arrogant terms on which an adjustment of a question, not essentially critical, has been forced upon it, at a moment of distraction and weakness.

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To each of the two other parties most concerned — we mean England and the South — the solution of the Slidell and Mason case will carry some important instructions as to the temper and purposes of our people. In England it has been pretty steadily urged that our executive would find it difficult to curb the popular

passion so far as to give up these men. This idea of the weakness of our government has not originated in the conspicuous follies of Mr. Russell, the *Times* correspondent, or of any other shallow observer of passing events. It has sprung from the prevailing English notion that democracy is a failure; that in this country the worst rule; that our affairs are guided by the blind passion of a mob; only restrained from an outburst of howling fury by compliance, and deaf to every argument of prudence, of justice, or of honor. Not a little satisfaction is to be discerned in the persistent confidence with which such views have been urged in connection with this affair. A large section of English opinion has eagerly proclaimed the supposed disastrous termination of the democratic experiment, and has contrasted it with the asserted steadiness of English institutions. The same class of minds has hailed this affair as certain to prove a decisive test of our failure. They have held up the possible conflict between the judgment of the government and the impulse of the people, as a severe trial for the former, and have confidently asserted that it could not be withstood.

The trial has been met fearlessly and successfully. Public opinion has for several days clearly been settling down to the support of the government, in any course which it should think necessary to pursue. English observers do not overrate the strain which this result brings upon the national pride, now wrought up to an unprecedented sensitiveness. They do not overrate the depth of the wound which is today rankling in the national heart; we doubt if they even begin to appreciate it. But without waiting for our manifestation of opinion, we can say, with positive certainty of truth, that the American people today stand by their government and uphold it in its exercise of a sound discretion; that the public mind is swayed by no passion, but meets the subject with entire calmness and deliberation; and that so far from any of the alleged violence and unreason of a democracy being exhibited, the danger is that foreign observers will mistake the popular feeling for tame indifference.

Our form of government has indeed achieved a most conspicuous triumph, of a double aspect. It has developed that enthusiasm among the masses, which rejoiced in an extreme assertion of our rights, and which was prepared to maintain that act, had such been the decision, to the last; it has also developed a sobriety and self-restraint among the people, which has proved equal to the most trying emergency. A nobler union of great moral elements of national strength could not be desired. It offers a sufficiently strong contrast to the insane fury of the English public for the last few weeks, and the obvious shrinking of the ministry before the popular storm.

It is the popular and not the exclusive form of society, which comes out from this trial with the best proofs of steadiness and well balanced strength.

The South on the other hand has watched with intense eagerness for any sign of the sway of popular passion. The South, like England, is interested in any argument which tells against the theory of self-government; but it also had an immediate and vital interest in the fixedness of purpose which our people and our government might exhibit. The national humiliation will be but a poor offset to them, for the deadly certainty that no new or collateral purpose is to divert the nation from the work of suppressing the rebellion. They have watched with intense anxiety to see whether our government might not be embroiled by this affair, whether its attention might not be turned to a new object, and whether a new enmity might not relax its resolution in dealing with them. Today the conviction is settling down upon the South, that nothing less than the whole power of our government will continue to be devoted to the work of crushing the rebellion. They will begin to comprehend, not only that the hope of foreign aid is cut off from them, but also the steady and pitiless determination with which the people will press their present undertaking to a successful close.

The South will thus be able to learn that it is not a mere transport of rage that has united the North against them. They will learn that the moving impulse is a resolution so deeply rooted as to hold its place, through reverse and discouragement and humbled pride and the most powerful diverting influences. Both for them and for English observers it will be a matter of some interest to learn that a country governed by popular institutions is capable of retaining a fixed purpose with such terrible persistency, contrary to the thousand arguments based on alleged fickleness and unsteady temper of the masses. To English observers, indeed, it may prove to be a fact of no small consequence, that a democratic republic proves to have united with the enthusiasm and prudence which are the complementary conditions of strength, the steady adhesion to a fixed object, which is also a condition of the effective direction of that strength.

## Davis to Adams.[1]

Per Str. *America.*

New York, New Year's Eve, 1861.

My dear Sir, — The public mind here is much relieved, by the peaceful solution of the *Trent* affair. Mr. Seward's letter of the

[1] From the Adams mss.

26 inst. to Lord Lyons meets general approval here — it seems to me to be a very able production — the hope is generally entertained it may prove *satisfactory* to England. If not all I can say is, the *number* here that would have deeply regretted a rupture with England, before Xmas day, (or before the date of Mr. Seward's letter) would be very *sensibly reduced* should England seek *more*.

Once let England, (or any other nation) make an impression here upon our people that a *pretext* is sought for to do us harm, and eventually to *break us up*, then, I venture to say there would not be found a "Corporal's guard" this side of "Mason and Dixon's" line that would utter a lament, but go to War with as much composure as they would "go to Meeting." And as for *losses* by War, it is wonderful how little the people of this country are "*horror struck*" as compared with other people. However much the opinion abroad may prevail that we are a *Money Seeking People*, the fact to me (admitting its truth) seems more a laudable pride in *success*. A man who invents a new *rat-trap* is just as happy (if the patent is gained and money with it) as he who gains a vast fortune at once by any other *success*. Money here is not needed for the purposes prevailing in Europe. We know nothing about *establishments* involving retinues of servants in powdered heads and in dresses resembling our autumn woods, — in a word we don't know how to spend money *thus*. We would rather *operate* and *speculate* with our surplus. Therefore a War which threatens "awful results" in Europe, fails to produce that *awe* here. Hence "he reckons without his host" who thinks he can reach success by a threat of destroying our property — only let Government keep our cause *right*, and I have no fear that the *loss* of property would cause a *hold back* in our *masses rich* and *poor*.

You will learn by this Steamer that our Banks have decided to "suspend specie payment." This took effect yesterday, and as quick as the telegraph could tell it, all leading points have followed suit. Thus far this supposed wise precaution produces more quiet than excitement. The bullion dealers can't sell *coin* at an advantage of over 1/4 of 1 per cent for our Bank bills. One of the shrewdest of that circle told me to day that although he had provided himself with a goodly supply of Coin, to take advantage of a *panic*, he found he could make nothing by it. "The fact is," said he, "our people have seen of late *so much Gold, they are sick* of it."

Our Banks have not stopt coin payment because they have no Coin, for they hold here 25 Millions, but they found it diminishing not for export to Europe, but going *to Interior* where Government has been making the largest disbursements and our sea board towns

furnish the money; and again, certain timid people not knowing what may turn up, draw their *deposits* from Bank in Gold, and put it back again in same Bank for safe keeping. I don't think a Million of Coin has left the Country for the last few months. So altho' the sea board Banks deem it prudent to retain coin, for appearance sake, the great bulk of coin is in the Interior, where it is most wanted. As we *import* little or nothing, we have nothing to sell to the interior, and as the interior gets most of the public expenditure and at the same time are large *exporters* of food etc. abroad, you can readily see why Coin in *salt water cities* diminish[es]. Altho' our Banks suspend coin payment, the Country does not, for I suppose from reliable statistics, the Country never held so large an *amount of Coin*. Therefore no importance whatever need be attached to this "(*formerly*) *awful* event," — *a suspension of our sea board Banks* of coin payment. I mention this event mainly to illustrate, or make simpler, what abroad may be deemed "a sad catastrophy" or at least a great puzzle. And he who thinks, *the sea board* is broken up because the Banks there *suspend*, will find himself mistaken if he relies on a whole Country being broken up. The Country generally was never stronger. The fact is thus far our *home war* is financially giving money power to our *interior*, which thus far is a favorable result. I see much future and ultimate good in it. I am free to say *to you*, what I would not as readily say *abroad*, that as matters now stand and tend, our Treasury department at Washington must soon be in a *snarl* or tangle, it must resort to *stringent* means and make a Law to legalise *its own issues* of *paper money* as a *legal tender*. They can't escape this, unless Congress *grant a Charter* for a strong *National Bank*, which alone can harness up vast private means for public aid, and general good. The Government has already virtually suspended specie payment, but *the Masses* don't know it; in other words, the Treasury of U. S. has already borrowed of our Banks all and more than the Banks could lend, and as yet the Treasury department has not done one jot in the way of enabling said Banks to aid the Government. So the Banks unable to lend more, must *stop*, and so must the Government. *Mr. Chase*, the Treasury Secretary is no doubt a very honest and good man, but he does not seem to me, *up to the times*, in a word, he seems to lack the knowledge of the power of the Government to adopt measures that would enable the Banks of the Country the better to do all the Government needed to be done. He don't seem to see this. He thinks if *Banks* are benefitted by Government aid, the Government loses what Banks may gain; so he is "penny wise and pound foolish," so he adopts measures (not intentionally) that break the

Banks, and in the end breaks himself. He is "not the right man in the right place." And after he has *wriggled* and *twisted* thro' a vast amount of trouble and difficulty, he or his successor must come at last to a system I long since called his attention to.

A good strong *National Bank*, to be owned *exclusively* by private citizens, and managed by them, and so securely based on Government securities as its Capital, that Government must use it as its fiscal agent, a *necessary requisite*. This alone can make all crooked matters straight, and drag national financial matters out of the quagmire, to which they are fast tending.

Our "old Duke," General Scott is again with us after an absence of only forty-seven days his health vastly improved, and his spirits never better. I met him on his arrival, and spent two or three hours with him *almost alone*. He had heard nothing, he had not even heard of the President's Message and other matters. Consequently I had an advantage over him — he was *willing to be a good listener*. He was charmed that the President had said *nothing* about that *Trent* affair, and scarcely less so when I told him the Message made honorable mention of himself (to say nothing about that *odd recompence* he thought the Country still owed him). He is full of affection for every body (except *Secessionists*). We are all glad to have him with us again. He should never again be put to the labor of *detail*, he is a great *military* and *topographical lexicon*, to be resorted to for what he knows, but not to *work out*. He lacks *spine*, *knees*, and *feet*, — all else is as bright as ever. The whole Country loves him — this side of *Dixie*. I continue to feel all confidence that *Secession* is only waiting to *be licked out*. Such is sure to be its *destiny*, and so I close with best wishes for many happy returns of happy New Years joined in sincerely by *mine* to you and *all yours*. We are all very quiet and very orderly, no *mobs*, no *contests*. I never knew N. York more tranquil. Your friend, and obedient Servant,

Ch. A. Davis.

P. S. Just as I was closing this, I receive thro' State Department your very kind letter of 13 Dec[ember] instant, for which I am very much obliged. But I pray you to understand that however agreeable to me to hear from you, I do not expect you to reply to my idle letters. Your time must be too much occupied with more important matters.

I of course *intuitively* abstain from repeating any thing from your Pen. I know the importance attached to and the aptitude of others to misstate what they hear from responsible quarters.

The story told of that German diplomatist who never allowed a

Servant to answer any question or tell any thing he saw or heard, is not without its point. He only *lost himself* once and that was on the occasion of his master suddenly falling dead in a fit, overwhelming the poor servant with fright and affliction, and just then an acquaintance calling, and the sad event stated to him, but the faithful servant recalling his duty, exclaimed "For God sake, sir, don't repeat it to any one, for my master may not wish it made known."

Again wishing you all a happy New Year and feeling sure you will soon hear of glad tidings — an *overwhelmed rebellion*, I remain Your friend,

CH: A. DAVIS.[1]

## CLAY TO ADAMS.[2]

ST. PETERSBURG, RA., January 1, 1862.

MY DEAR MR. ADAMS, — Mr. Murray going to London next week, I take the opportunity of sending a letter by him to you. We have all felt the most intense anxiety about the Trent case, fearing it would result in a war. I am of the opinion that we are wrong in that: and its effect would be to divide our own Country and unite *all* England against us. I feel much relieved by the telegram from N. York (20th) which looks more pacific — so I will not further discuss these matters which will probably be determined before this reaches you. I am as jealous of National honor, as any one, but nations like individuals must sometimes wink at insults — and even swallow them with however a bad grace! So we must during our difficulties put up even with some wrongs rather than run into war with other powers, remembering that our first duty is the restoration of the Union.

I see much to blame in England's course: it is plain that her hatred of Republican government causes her to overlook the Justice of our Cause. The aristocracies and monarchs of Europe may well fear the light of our example — especially if we show vitality and power enough to overthrow this great and wicked rebellion. So we are not to expect much aid or sympathy from foreign Governments: and we must be very cautious to find ourselves always in the right, for our own sake as well as universal justice. Russia I think however our sincere friend, through sentiment and interest both. She knows what would be the tyranny of England, if she

[1] Charles Augustus Davis (1795–1867), merchant and author of *Major Jack Downing's Letters:* New York, 1834.

[2] From the Adams MSS. Cassius Marcellus Clay was Envoy to Russia from March 28, 1861, to June 25, 1862, and from March 11, 1863, to September 25, 1869.

were not rivalled and balanced by our maritime power. Whilst the antecedents of the two governments are favourable to friendly sentiments. She allowed us the treaty of Paris ('56) at once, which England and France refused us. But the treaty is in abeyance ("lying over") for the present — to await events. I think we can always count upon her good offices.

I desire to say a word about my letter to the *Times*, in as much as some of my enemies in America have ventured to accuse me of trespassing upon *your* ground of action. That letter was written reluctantly by me, and only at the urgent request of a great many Americans in London. It was supposed that I might say things which it would be well for Englishmen to hear, and which your position would not allow you to utter. Hence it was agreed that I should make a short *popular* argument, and that Mr. Motley should follow it up with a more elaborate argument. This was done, and my letter was shown to Mr. Motley, and his severest criticism invoked, before it was published. It is believed by my friends in Europe that the letter did much good: however, it was at the least well intended. I hardly deem it necessary to allude to this, because you know my respect for your character and abilities: and I cannot for a moment suppose, that I was as the *N. Y. Times* would urge, interfering with your proper duties.

Be pleased to remember me to your family, and believe me truly, Your friend,

C. M. Clay.

### Parkes to Adams.[1]

17 Wimpole Street, 2 January, 1862.

Dear Mr. Adams, — I have received this morning a very sensible excellent letter from Palfrey. I call to shew it you, should you be at home. Otherwise, I must send it you in the evening, after I have read part to a friend.

If our instructions to Lord Lyons are that the Captives be surrendered I do not believe your Government will comply. It may over [offer] an arbitration (and which Lord Lyons will have no power to accept) but I augur from Palfrey's letter and all I read that S[lidell] and M[ason] will never under all circumstances be surrendered. I wish I could interpret the Sybil Books other wise, but I ever look evils in the face. I do not doubt that the President and his Cabinet have every disposition, as it is also their interest, to accommodate this most unfortunate and untoward affair; but viewing all considerations I cannot expect a surrender. The chances

[1] From the Adams mss.

of accommodation will in my humble judgment arrive only when Lord Lyons returns home.

My idea is, that Seward will probably offer an Arbitration, but which I fear will find no favour in Europe.

My best wishes of a Happy New Year to you and Mrs. Adams, and all yours; and my fervent hope that Peace between your States and my own Country may not be interrupted A. D. 1862, altho' appearances are dark. Yours truly,

JOSEPH PARKES.[1]

## WINTHROP TO KENNEDY.[2]

BOSTON, 2 January, 1862.

. . . . . .

I think Seward managed the Mason and Slidell matter with great habilité, as the French say. I am afraid England will verify the old maxim of Tacitus, "Odisse quem laederis." She, certainly, has wronged us. Not, perhaps, in the despatch of her Ministry, which was mild enough, but in fitting out so many Dogs of War to let loose upon us when we were crippled. Perhaps we misconstrue the English as much as they certainly do us. At all events, it is a bad business well over. . . .

ROBERT C. WINTHROP.

## DAYTON TO WINTHROP.[2]

*Private.* PARIS, January 4, 1862.

MY DEAR WINTHROP:

. . . . . .

Mr. Curtis[3] has just been in my office with a letter of much interest from his son[4] in Boston. His letter like your own is full of the question of Mason and Slidell.

*We* are full of it — all Europe is full of it. Would to G–d that our old friend Wilkes had let them go! They could have done nothing here, that would not have been equally well done without them. Neither England nor France can be coaxed or wheedled into any important action. What they do, will be done upon full advisement, and I do not think that *recognition* of the South would be advanced *one* day, by the presence of a dozen such envoys. It may be advanced many days by their absence originating in *such a cause*.

[1] See *Dictionary of National Biography*, XLIII. 304.
[2] From the Winthrop MSS.
[3] Thomas B. Curtis.
[4] Daniel Sargent Curtis.

Rely upon it, England is in earnest and *France* believes she is in the right and *says so*. But you have before this, I am sure, the letter of Mr. Thouvenel which will explain the view of this government upon the question. For the first time in a century *we* are advocating a restriction upon neutral rights and England is sustaining the freedom of the seas! The history of the past action of the two countrys is all reversed. War with England would under any circumstances be a misfortune, but upon such a question the entire sentiment of the Maritime Powers of the World will, I fear, be against us. It seems to me that the people of the U. States, even Governors, Judges, etc., etc., have been led astray in this matter by their feelings, — or rather perhaps they have felt that they had a perfect right to apply *British doctrines* to British ships. If the *public law* were made by G. B. alone, this would be so, but other nations of the earth look at this question in reference to *their own* ships. Weed (Thurlow) has published a letter in England in which he admits substantially that we were wrong. I feel that we are in a false position, and only pray to Heaven that such discretion and prudence may controul at home, as may enable us to get out of it. If England shall acknowledge the independence of the South, France will, I fear, at no distant day follow her example; but this is 'entre nous' strictly. . . .

WM. L. DAYTON.

## ADAMS TO FROTHINGHAM.[1]

LONDON, 8 January, 1862.

MY DEAR SIR,

. . . . . .

We have been living some weeks in a state of complete suspense, respecting the issue of the difficulty between the two countries. A necessary consequence has been uncertainty of the duration of our stay at this place. At one time my mind was pretty much made up that before this date I should have been either on the continent, or on my way home. Since that period I have thought the probabilities of my stay the strongest. Now I do not know what to think. Next Sunday will probably bring a decision. And I confess I shall be glad to learn it whatever it may be.

There has been a great contest going on in this country between the two forces, one favoring a generous policy towards America, and the other impelled by more ignoble motives. Down to the moment of the attack of Captain Wilkes the former had the pre-

[1] Nathaniel Langdon Frothingham (1793–1870). Adams MSS.

dominance. But the appeal to the popular pride consequent on that act carried away numbers who would otherwise have remained neutral or indifferent, and the tendency is now in the other direction. Even if we get over this difficulty it will not replace us in the position we occupied before it happened. We shall be subject to new shocks with less and less faculty to withstand them. I enter into all your feelings at the situation, which are so admirably described in your letter. . . . Very sincerely yours,

C. F. Adams.

## Amory to Adams.[1]

Boston, January 8th, 1862.

. . . . . .

The news of the week has been the very quiet departure of the "Rebel Chiefs" in a "tug boat" for Cape Cod, on the first of January, their embarkation, their departure in a hurricane and their not yet being heard of; probably they are on their way to Europe. The loss of the *Australasian* is a sad event. You will be glad to learn the universal satisfaction at the opinion expressed of the management by the Legation in London, and also of Mr. Seward's admirable diplomacy. Those who have not heretofore appeared always satisfied now express themselves as more than pleased. We all are hopeful as to the reception of the news in England. And every one is loud in praise at the conduct of all parties and their perfect submission to the Will of the Government, showing a strength in our Institutions greater than we could find elsewhere.

The South alone have much of bitterness and disappointment to feel, they had every hope in our confusion and in the misstatements of their various representatives.

We can perceive daily from the Southern Journals and the Northern Reports the weakness of the South, and it is sad to think of the misery which the conduct of the ambitious rulers of the South have brought upon the innocent. Cotton begins to flow in. The large expeditions are about to move, and another week may be an eventful one.

You will doubtless be interested in the various messages, and reports of the various States and Cities. And I have the honor to be Respectfully Your obedient servant,

Jonathan Amory.

[1] From the Adams mss.

### Haycraft to Adams.[1]

Walton-on-Thames, 9 January, 1862.

Dear Sir, — I am truly glad that your Government has taken a right and proper course in delivering to the British Government Messrs. Mason and Slidell, and since the Northern States do not recognize the Southern States as Belligerents and therefore could not deal with the men as Contraband of War (and hence the Surrender) yet your Government may surely claim them as *Traitors, Rebels*, found in the Act of Treason. This I trust you will do and give them the execution they deserve. Yours truly,

Geo. Haycraft.

### Adams to Everett.[1]

London, 10 January, 1862.

My dear Sir, — I have but a few moments to acknowledge the reception of yours of the 21st which contains a very thorough exposition of the state of things here.

Captain Wilkes involved us in a great difficulty because he did precisely what our Government has always complained of Great Britain for doing. In order to justify him we were driven to the necessity of stultifying ourselves. As against Great Britain we might indeed make a strong argument. But this would leave us not the less exposed to the reproaches of all other maritime nations which have heretofore accepted our doctrines in good faith. This it is which constituted the strength of the paper of M. Thouvenel. Since then Prussia and Austria have joined the cry, and all the rest of Europe would follow, if necessary. In point of fact we were making a wrong issue. My great cause of apprehension was from the manifest tendency of the popular feeling at the outset. The Government has luckily extricated us in season. The current is setting for the moment in our favor. A strong reaction is visible, how long to last no one can tell.

Parliament will soon meet when the new plan of operations will be disclosed. The measures will be on the one side to denounce the blockade, and to demand a recognition of the Confederates, and on the other to resist them. Which side the Ministry will take is not yet clear. I fancy they are not agreed among themselves.

We are making a mistake at home in not reinforcing our friends here. Too much stress is laid on the *Times* which is notoriously

[1] From the Adams mss.

against us. There is a great struggle going on among the press, and it should be our policy to magnify the opponents of that paper. The *News* and the *Star* should be quoted as English opinion in those great classes which represent the moral and religious sentiment. The country press has generally manifested a friendly disposition. Indeed it would not take a great deal more labor to make the American question the lever to heave up foundations here. The fear of this is perhaps the best security we have for the preservation of peace.

We must therefore select any issues to be made with great care. The last one united everybody against us. The next, if we are to have any at all, must place us on the side of great principles, acknowledged by the spirit of the age, equally among the people of all civilized nations.

But I have no time to enlarge as the mail is preparing. Very truly yours,

C. F. Adams.

## Adams to Forbes.[1]

London, 10 January, 1862.

My dear Sir, — Thanks for yours of the 24th ult. and the inclosures. The decision of the Government, which I think perfectly sound, has smoothed the waters for the moment and has very much raised the spirits of our friends. We shall now fight the battles with more vigor than ever, but after all our success will depend upon that attending our military operations.

In regard to sentiment in this country you should always bear it in mind that if we have enemies we have also friends. Any hostility levelled at all alike helps the former and depresses the latter. You will do well therefore to get the papers to print from the *News* and the *Star* rather than the *Times* and the *Post*. Much of the mischief done here comes from the dexterous use of the New York *Herald* by the *Times*. Do not permit our well-disposed presses to play into the hands of the latter by circulating its own malignity as the sentiment of all England.

The meeting of Parliament will open a new field of operations here. The Confederate emissaries calculating upon a war had arranged a programme of the most beneficial nature to themselves. The basis having disappeared, the superstructure is nowhere. But there is no doubt that the want of cotton and the distress of the operatives will cause a good deal of agitation. The same elements are at work

[1] John Murray Forbes. From the Adams mss.

in France. The most effective counteractive will be heavy blows and the progress of emancipation.

This is of course for your own reading only. . . . Very truly yours,

C. F. Adams.

## Monckton Milnes to Adams.[1]

The Hall, Crewe, Cheshire.
January 10th, 1862.

*Private.*

My dear Sir, — I shall be obliged to you to express to Mr. Seward my thanks for the copy of the American Diplomatic Correspondence, which he has been good enough to forward to me — I suppose, through your mission.

I hardly feel the same gratification in the intelligence of these last days, that I should of done, if I had been more apprehensive of unfortunate results. I never could agree with those English politicians who had persuaded themselves that Mr. Seward desired to drive this country into hostilities with yours, and who formed their opinions on this foregone conclusion. I trust we shall now hear no more of that theory. I watch the proceedings of your arms and politics with equal interest and earnestly desire the success of both. . . .

Rich. Monckton Milnes.

## Adams to Clay.[1]

London, 14 January, 1862.

My dear Mr. Clay, — I have to acknowledge the receipt of your favor of the 1st inst. for which I thank you. My situation has not, very certainly, been a particularly pleasant one during the continuance of the difficulty about the *Trent* even if it were tolerable at any other time. That affair has been settled, and, as I think, correctly. For whatever opinion I may have of the consistency of Great Britain, or of the temper in which she has prosecuted her latest convictions, that does not in my judgment weigh a feather in the balance against the settled policy of the United States which has uniformly condemned every and any act like that of Captain Wilkes when authorised by other nations. The extension of the rights of neutrals on the ocean and the protection of them against the arbitrary exercise of mere power have been cardinal principles

[1] From the Adams mss.

in the system of American statesmen ever since the foundation of the Government. It is not for us to abandon them under the transient impulse given by the capture of a couple of unworthy traitors. What are they that a country like ours should swerve one hair from the line of its ancient policy, merely for the satisfaction of punishing them? In such a struggle they could lose nothing, for they have nothing to lose; whereas the Government of the United States might appear seriously to derogate from its dignity if on their account it were to involve itself in the necessity of disavowing the sound doctrines to which it has been heretofore pledged in order to embrace such as have become odious in the civilized world, even among the very people who were formerly the most strenuous assertors of them.

I turn from this subject to the other and more personal matter touched upon in the latter portion of your letter. I pray you to be assured that I never entertained a suspicion of any design unfriendly to myself in the course you took in writing to the *Times*. I will frankly admit that I thought it in violation of the laws as well as of the general instructions to all foreign Ministers, a copy of which was transmitted to me prior to my departure from the United States. The prohibition from writing to the newspapers doubtless arose from experience of its bad effects heretofore had by the Department, and seems to me founded in reason. But of course it is no part of my duty to judge for anybody but myself. That your letter, and still more your speech in Paris did have a most unfavorable influence upon my labors at the commencement of my mission I had occasion to feel at every step. It gave our enemies an opportunity to strike the key-note of determined hostility on the part of our Government to that of England which has been most dexterously used ever since, and which ultimately brought on the explosion in the case of the *Trent*. It likewise placed me in the false position of assuring this Ministry of our friendly disposition whilst other representatives of the Government equally entitled to credit were appealing to France by drawing distinctions unfriendly to England. At the same time I was conscious that they knew at the time the utter want of the foundation for your discrimination, the two Governments having been from the first in perfect understanding with one another as to their policy towards America. You may well imagine then how much use was made of all this to fix upon Mr. Seward the suspicion of bad faith and of secret hostility to England which no efforts of mine have had any success in eradicating. Indeed nothing but the publication of his Despatches and his late action in regard to the *Trent* has done anything to open the eyes even of

our friends here as to the actual truth. I am in hopes that from this date we shall be able to arrive at a better understanding with the Ministry who as a whole are not unfriendly, whatever may be the disposition of some of the individual members. But it will not come about by exalting the good will of France, far less, in fact, to be depended upon.

It is then, as I trust you will see, solely on public grounds that I have found anything to regret in your action and not from any personal feeling whatever. Indeed I so well understand your motives that I should never have thought of once making an allusion to the matter had you not opened it yourself.

It gives me great pleasure to learn that the disposition of the Emperor of Russia continues so friendly. I take the more interest in it that I remember it was my father who first laid the foundations of that good understanding which has existed without interruption for half a century. The two countries are now engaged in the same great work. They ought to sympathize with one another in their severe trials. . . .

C. F. Adams.

## Palfrey to Adams.[1]

Boston, 1862, January 14th.

Dear Mr. Adams, — You inform me that you have come into relations of some intimacy with Mr. Parkes. I am very glad to hear it, not only because I like him very much, as I cannot fail to do on account of his great kindnesses to me when I was in London and since, but because I think you may find his acquaintance advantageous for your public objects. He has excellent sources of information. His judgment, to infer from what he observes, is good. His mind is liberal. His purposes are generous. He is well disposed towards our country. And he has relations to the newspaper press which enable him, on occasion, to speak a timely and useful word.

In a few days we shall be informed of the reception in England of intelligence of the surrender of the *quasi*-ambassadors. Contrary to English expectation, you will have seen that that measure here has encountered nothing that can be called opposition. Mr. Hale, in the Senate,[2] expressed dissatisfaction with it, and in the

[1] From the Adams mss.

[2] "To my mind, a more fatal act [the surrender of Mason and Slidell] could not mark the history of this country — an act that would surrender at once to the arbitrary demand of Great Britain all that was won in the Revolution, reduce us to the position of a second-rate Power, and make us the vassal of

House there have been some little manifestations of discontent. But undoubtedly it has been acquiesced in by the country with promptness and alacrity. The prevalent feeling is that a great imminent trouble has been escaped by a course actually involving no dishonor, and promising to be highly advantageous in future complications. There appears to be no general apprehension that England will not for the present be satisfied. But, on the other hand, I am struck with the extensive prevalence, and the strength, of the conviction that the tone of feeling in England is permanently hostile. The practical inference from this is the necessity of large outlays for coast and lake defences and for a navy. I now expect to see this, — and to the same end, the fostering of American manufactures — the policy of the country, as long as I live. Mr. Bright's elaborate speech is extremely pleasant for its bearings on the present, but of course cannot sufficiently reassure for the future. Oh *si sic omnes!*

This morning we are taken by surprize with the news of the resignation of Mr. Cameron.[1] There will be great curiosity to know whether he goes out because the charge of some jobs presses him too hard, or because of his forward position on the Slavery question. . . . Yours, faithfully,

J. G. Palfrey.

## Dana to Adams.[2]

Cambridge, Sunday, January 19, 1862.

My dear Sir, — The day I received your letter, I left for Washington, to attend the Supreme Court, and returned last night. I seize the first opportunity to write you, because I owe it to you to make the earliest acknowledgment that you were right and I was wrong in the matter of the *Trent*. Mr. Seward is not only right, but sublime. It was a little too sublimated, dephlegmated and defecated for common mortals, but I bow to it, as to a superior intelligence. You saw the question as a statesman, I only as a lawyer.

I heard Sumner's speech.[3] It is the best thing for his popularity

Great Britain. I would go as far as any reasonable man would go for peace, but no further. I would not be unwilling to submit this subject to the arbitration of any of the great Powers of Europe; but I would not submit to the arbitrary, the absolute demand of Great Britain, to surrender these men, and humble our flag even to escape from a war with Great Britain." Hon. John P. Hale, December 26, 1861. *Congressional Globe*, 2nd Sess., 37th Cong., 176.

[1] Stanton took office January 15, 1862. [2] From the Adams mss.

[3] In the Senate, January 9, 1862. It is in his *Works*, vi. 169.

and reputation that he has done. It was the first opportunity he has had to speak without offending half the nation. It was desireable to have not only America but Europe see that the surrender was on principle, and not from fear; and Sumner's speech will do a great deal in that direction. I do not agree to his *law*, or rather, perhaps, we do not mean the same thing by the word *law*. He cites treaties, but they are mostly made to modify or clear up the law. He cites diplomatic correspondence, which often indicates the efforts of one nation to obtain a declaration of doubtful law, or to effect changes in it, or to make a new rule for new cases, quite as much as it indicates a deliberate, impartial judgment of what the law is. He ignores adjudged cases, and cites a few extracts from commentators and diplomatists which are not all logically applicable. The Anglo-Saxon mind defers to adjudged cases, as the best evidence of pre-existing law. Not so the mind of Continental Europe; and the latter is Sumner's storehouse. I told him I preferred Mr. Seward's *law* to his, because I am a sailor and a fighter, while his object was to keep as near as he can to the "True Glory of Nations," and have no war, if possible, and if we must fight, to use blank cartridges as much as we can. On the sea, war is stripped of all its horrors, to non-combatants, women, children, homes, graves, churches, fields, the sanctuaries of life, the basket and the store, the wounded and the dying. It touches only those men, enlisted combatants, who go down to the sea to fight; and with them it is seldom, and soon over. To all others, it is a *mere money question*, of loss of property which has been intentionally, and knowingly subjected to a war risk, for the sake of profit. I believe that the most mild and humane form of war is the coercion of your enemy by material distress. I believe in your right to drive him off the highway, to keep him to his own soil and freehold, and to test the flag, the papers and the conduct of all neutrals. Sumner's happy vagueness, and felicitous, warm, rose-colored haze, enables him to talk peace, where there is and can be no peace, and prophecy perpetual calm weather on the ocean.

Am I not right in deducing from the Trent case, as treated by Seward, these positions?

1. The right of search by cruisers; and no exception established in favor of vessels that carry mails as well as passengers and cargo.

2. That the *errand* of Messrs. Mason and Slidell was of such a character as to make them, *in the act of transit*, quasi-contraband; so that the attempt to give them the needed transportation, with full knowledge of the circumstances, was an act of hostility which should forfeit the vessel, if taken *in delicto*.

3. The making such persons prisoners of war, when discovered on the above search, is not dependent or conditioned on the judicial condemnation of the vessel, or on the taking in of the vessel for adjudication, either by admitted law of nations, or in reason.

4. On the question whether such emissaries, discovered in this manner, on their way to their places of destination, are to be held as prisoners of war, it is immaterial whether the *termini* of the vessel's voyage were neutral ports or otherwise, the men being *in transitu* for their destination, and the vessel knowingly taking them on their way, and discovered *in delicto*.

5. The Spirit of the Law of Nations requires of the belligerent an adjudication, if possible, in his own courts, on all maritime questions touching neutrals. It is desireable, and most in accordance with American history and policy, to extend this requirement. A direct adjudication on the persons cannot be had; but, by bringing in the vessel as prize, it is *probable* (not certain) that, indirectly, the Court may pass on the *status* of the persons. Even this probability of an indirect judicial finding is worth preserving, both as an international pacification, and for effect on the mind of the capturing officer. Let the rule then be, not that the bringing in of the persons is conditioned on the bringing in of the vessel, but that it shall be the duty of the captor, when he takes such prisoners, also to bring in the vessel, from which duty, only what the law would recognize as a necessity shall excuse him.

6. In this case, the release of the *Trent* was not solely and clearly on the ground of necessity. Therefore to make good the above rule, the prisoners should be restored to the neutral, if he demands them.

The result, then, is that Capt. Wilkes was right in every point but the failure to bring in the vessel; and, as to that, he violated no established rule, and was justified by British precedents, therefore it is no case for an apology, but an opportunity for establishing the first precedent for a rule which is consonant with our traditional policy, and most for the peace of the world.

This is my analysis of Mr. Seward's admirable paper. It puts the law where I have always supposed it to be; and I yield gratefully to the result, as a matter of enlarged general policy for the good of the world. You see, therefore, that I do not mean to say that I was wrong on the law, but that you saw what I did not, that beyond and clear of established law, consistency and enlarged policy enabled us to make this a precedent for a new rule. I thought it was a dilemma and that unless we had violated what England could show to be a law of nations, we could not give up the men on her demand.

You notice the two small coals we have put on John Bull's head, the offer of passage for his troops through Maine,[1] and the paying for the *Perthshire*. The feeling as to the gross inconsistency of England, and her taking advantage of our distress to initiate a war, or an attitude of war, so as to aid in dividing our empire, — this feeling is deeply seated on people, but so far as the Government is concerned, a settlement is a settlement.

I think the atmosphere of Washington improved the few last days I was there. The appointment of Stanton and the retirement of Cameron, raised the tone everywhere; and the conference of the financiers ended in an agreement in favor of a large and honest direct tax, and against throwing into the currency millions in demand-notes, without interest, and made legal tender, and necessarily depreciating. This result also raised confidence, and will continue it, if carried out successfully. There is restlessness and uneasiness about the conduct of the war, but I do not give in to that to its full extent, and hope much of Stanton. His appointment is significant also of an abandonment of party lines. . . .

One word would put all right, and that is *tone, tone*. We have none. We must have it, or be justly despised. With great respect, I am Yours very truly,

RICH. H. DANA, JR.

## KENNEDY TO WINTHROP.[2]

BALTIMORE, January 21, 1862.

MY DEAR WINTHROP:

. . . . . .

We shall soon hear of the reception in England of the Mason-Slidell settlement. I was greatly gratified by Seward's letter which I thought adroit and masterly, and I entirely agree in the propriety and justice of the settlement. When I wrote you in December, I spoke against the surrender of the prisoners, as a thing not to be thought of under the conditions upon which the English press represented the purpose to make the demand. I wrote too hastily, perhaps, to advert to the qualifications with which the subject might be brought to the attention of our Government. I was full of the idea that we were to have a peremptory and humiliating demand to which we could not with honor submit, — no matter what might be the merits of the case. But when the question was presented in a totally different form, with all the courtesy due to our position, I did not object to the fair and candid review of it, given by the

[1] Bancroft, *Seward*, II. 245.

[2] From the Winthrop MSS.

Secretary, and fully concurred in his view that it concerned our honor and respect for justice to decide the case with a judicial impartiality. In doing so I think we have rather gained a triumph over the passionate prejudice of Mr. Bull, and, perhaps, astounded him with a demonstration that our government is quite as free from a terror of the mob as his own — perhaps even more. Besides that, we have gained an important vantage-ground over him for any future contest we may have with him on that long disputed point of his assumed belligerent rights. I suppose they will not admit that in England; but I think it will be so regarded on the Continent of Europe and that the settlement will make us friends there.

I feel as you do upon the development of the private and public sentiment which this event has evoked in England. It has proved to us, notwithstanding the kindly sympathy for our cause which is honestly felt and openly expressed by certain portions of English society and many estimable individuals, that there is a wide-spread unfriendliness against us, in the most active and influential circles, and that it furnishes us a wholesome warning against future trust, either in the good will or the sincerity of the nation when loudest in its professions of respect. Nothing could be more ungenerous, to say the least of it, than this revelation of a wish to strike us at such a moment as the present. One may find much in the history of the last twenty years interpreted by the acts of today, to accuse England of a perfidious intent to compass our destruction. She fomented the abolition sentiment, harked its agents on to persevering assaults upon the peace of the Slave States, aided in bringing this discontent to a violent issue, and then, having embroiled us in the quarrel, turned to the opposite side; and has ever since been captiously seeking pretexts to consummate our destruction by an active sympathy with the Slave interest, which we may conclude she will betray at the first moment after the mischief she meditated is fully accomplished. These are the suspicions to which she has laid herself open, and from which it will take a long-time practice of more generosity than we can now give her credit for, to relieve herself. *Perfide Albion!* . . .

JOHN P. KENNEDY.

## ADAMS TO EVERETT.[1]

LONDON, 24 January, 1862.

MY DEAR SIR, — The case of Mason and Slidell seems to me to have done good in one particular. It has led to the practical surrender by all nations of the right of search on board of neutral

[1] From the Adams MSS.

vessels to take out men. This of course is for the benefit of the weaker parties in securing them from the tyranny of the great powers. Among the latter none has shown itself more dangerous on the ocean than Great Britain. It suits her *now* to hold up neutral rights. The moment is propitious to obtain concessions which may prove not a little embarrassing to her and beneficial to us on the happening of a quarrel with France, an event certain to occur in due course of time, no matter what the labour to prevent it.

There is no doubt that a large party has been deeply disappointed by the issue of this affair. But it is not discouraged. There is an avidity manifest to catch some new pretext which breaks out daily in the columns of several newspapers more or less associated with the cause of the rebels. The blocking up of Charleston harbor has figured for a week as the most barbarous event of the age. Unluckily for the fate of this story a rebel vessel has just come in from Charleston and makes light of the obstacle. The wind forthwith changes and we are told of the inefficiency of the blockade. And so it goes on and will go until there is a manifestation of strength in the field that defies contradiction. Just at this moment the accounts from the South come rather dark and there is a lull in the storm. The conclusion which I draw is that the military events of the next six weeks will determine the action of all the European powers.

Meanwhile it is not to be disguised that ill-will to us spreads rather than declines. I think a majority of the Ministry is steady to the purpose of non-intervention. I am not quite sure that the chief is of that side. But it is generally understood that Prince Albert's views by no means countenanced hostility to us, as a point of national policy, and that the Queen is more devoted to executing his notions now than she was even in his life. Her most confidential advisers remain of his opinion. The effect of this is felt not only in subduing the temper of the Premier, but also in restraining the ardor of the opposition. Lord Derby and his friends, relying on the expectant policy as the sole channel through which to reach any durable possession of power, are disinclined to any positive committal which might raise obstacles to success otherwise regarded as certain. So far the favorable side of the picture. On the other hand there is the grim spectre of democracy, the ingrained jealousy of American power, and the natural pugnacity of John Bull, all working with force in three great classes of the community to the same end, the striking a blow where it will tell. Between these conflicting powers it is not easy to say where the preponderance will rest. In my belief events will alone decide the question.

As for the *London Times*, it is idle to hope for any fair dealing in that quarter. Its policy in the present instance is in humble imitation of that of Count de Vergennes, to secure the division of the Union as an essential security to the peace of Europe and the preponderance of Great Britain. If our American friends in Europe have not had enough of trials to soften it, their stock of evidence of the things not seen must be infinite. . . . Very truly yours,

C. F. Adams.

## Duke of Argyll to Adams.[1]

*Private.* London, January 25/62.

Dear Mr. Adams, — I have read my excellent Friend Sumner's Speech with much interest and some amusement.

I have no objection to any amount of scolding on account of our former practice in respect to Impressment, because it is a doctrine and a practice which we have long abandoned on our own soil, and which it is not likely we could ever renew in respect to neutral vessels.

But it is curious that Sumner should not see, what is obvious from his own statement of the case, that we might (logically) resume that practice tomorrow without acting inconsistently with any thing we have said or done in the case of the *Trent*.

Sumner starts with a mistake on a point of fact. He assumes (no doubt from our own Press) that we objected to the act of Capt. Wilkes only on the narrow and technical ground, that the ship was not taken into Port.

But this is not the fact. This is a very minor objection, tho' so far as it goes, a sound one.

But the real objection I hold to be a much stronger one, *viz.*, that a neutral vessel, with a bona fide, *neutral destination*, cannot contain contraband of war at all, and that civilians, especially, bound for a neutral country cannot, under any circumstances, be held to be subject to seizure as Contraband.

I venture to affirm that no decision of any of our Judges, nor any act of our Government can be cited as inconsistent with this doctrine.

The "Stopping of an Ambassador" is a mere misquotation from Lord Stowell. He does not affirm that an Ambassador may be stopped wherever he may be caught. He merely says that He may be stopped if he comes, or places Himself, within your lawful power.

[1] From the Adams mss.

Sumner never even alludes to the *destination* of a Vessel as affecting the question of Contraband on board of her. Yet all Lord Stowell's decisions, when adverse, were founded on the fact that the *destination* was a belligerent one: — with only a *colourable* neutral destination.

It is quite true that our objections to the act of Capt. Wilkes are objections consistent with American Principles. But they are equally consistent with our own: and would not interfere with the continued assertion of all our old doctrines *on the subject of Contraband.*

The Impressment doctrine was wholly separate. Yours very truly,

ARGYLL.

## HIGGINSON TO ADAMS.[1]

BOSTON, January 31st, 1862.

MY DEAR SIR, — I beg leave to recall myself to your recollection by thanking you as an American for the attitude taken in your interview with Earl Russell on the 19th of December, as indicated in his dispatch of that date published in our papers this morning.

Plain talk is the best talk for John Bull. Such at least has been my experience commercially.

As to the *Trent* affair, Mr. Sumner's noble exposition of the American policy, as contrasted with that of England, yields a completeness of satisfaction in the result that was not exactly afforded by Mr. Seward's dispatch.

Your correspondence will doubtless inform you how profoundly the contemptible course of England throughout our troubles, — culminating in this insolent demand at the cannon's mouth, — has been felt here in Boston and New England, where English proclivities were probably stronger than anywhere else in the United States.

For myself, though bred to English preferences, and though these have been strengthened by valued English friendships, I am not sure that I shall ever know England again except as Napoleon's nation of shopkeepers, or De Tocqueville's nation of hide-bound egotists. Many and admirable exceptions do not reverse the rule. You may be sure that this revulsion of lifelong sentiments is a common process hereabouts in these times.

But I will not occupy more of your time, except to add my good wishes for your welfare and official success. Very Sincerely Yours,

STEPHEN HIGGINSON.

[1] From the Adams MSS.

### Winthrop to Kennedy.[1]

Boston, 1 February, 1862.

I am sorry to find the fashionables of Baltimore continue so unreasonable. Your city seems as likely to be famous for its *rebels* as it used to be for its *belles*. What a world of good those women could do, if a change of heart could only come over them! I do believe, that if a feeling of genuine good-will towards the Union could once more be established in Maryland, and more particularly in its great Commercial Metropolis, — if the Monumental City could thoroughly renew its allegiance to the Government established and defended by those whom its columns and statues commemorate, — we should begin to see the end of this horrid War. Next to a great victory over the rebel armies, we want a conquest over the rebel hearts. Is there no moral or religious influence which can be brought to bear upon them? Your Catholic Archbishop should take the matter in hand, and Whittingham[2] should co-operate.

We are threatened with another difficulty. In that extraordinary budget of Diplomatic Correspondence, of which not more than a dozen pages ought ever to have been published, and not more than two dozen pages ought ever to have been written, Seward has proclaimed again and again that a recognition of the South by England or France is *War*, and that Adams and Dayton are, in such event, to immediately withdraw from their posts. Such a declaration was unwise at any time, and only to be excused when the rebellion had just broken out, and when we hoped to extinguish it before midsummer. It will never do to act upon it *now*. Recognition at an early moment is an offence, — but it is one *we* have always given to others; it is not in itself cause of war and it would be madness, at this late day, so to treat it. There is no inconsistency in the Administration's withdrawing from a position, which is a standing menace, and more likely to precipitate recognition than to delay it. The lapse of time is sufficient cause for changing front, which might be done quietly and confidentially; but we ought not to be exposed to the danger of War, in case France receives Slidell, as I am much afraid she will. Mere recognition is nothing, and will do no harm save in so far as it gives moral courage and confidence to the South. The truth is, we have somehow or other lost the *good-will* of the world. We can not do without it, and must make some sacrifices to recover it. It seems to me of the greatest importance at this moment, that while we do our best to avert a recognition by kind words abroad

[1] From the Winthrop mss.

[2] William Rollinson Whittingham (1805–1879).

and strong blows at home, we should also be prepared to meet recognition, if it comes, and from whatever quarter it comes, in a quiet, nonchalant manner, — as a thing that can do us no harm, and that we have now no right to resent, however much we may regret it. We ourselves have taught the world to patronize rebellions by early recognitions, and we ought to be prepared to take it with a silent shrug, reserving our wrath for greater occasion. You are so near Washington, you can run down and have a talk with Seward about it. . . .

ROBERT C. WINTHROP.

## ADAMS TO DANA.[1]

LONDON, 6 February, 1862.

MY DEAR SIR, — I thank you heartily for yours of the 19th, the only one (by the way) that I received by this steamer.

Before this arrives you will have seen the reply of Lord Russell to Mr. Seward's Despatch, as well as his Note to Lord Lyons of the 19th of December giving an abstract of a conversation between him and myself on that day. You will note at the close of it an intimation of mine made in a much more good-natured way than would appear from that naked statement, that whilst I thought France consistent, as a neutral, with her general policy in former days, I could not compliment Great Britain so much upon her latest position. To which his Lordship quietly replied that they would readily dispense with compliments provided they could secure their object.

In this nutshell you see comprised the entire public policy of the country. It is English and nothing else. Hence it is that when it was convenient to make a law on the ocean which should, so far as it could, cut up all neutral rights, especially in America, Lord Stowell stood ready to sanction any and everything that the Ministerial policy of that day required for the protection of England. But now that it has pleased their successors to erect themselves into neutrals for the sake of pushing their navigation into the place of ours, the law officers of the Crown stand equally ready to turn their backs on all the musty decisions of their predecessors, and to proclaim a bran-new doctrine, precisely suited to the purpose in hand. In this pursuit they are content to forego the barren tribute of praise in consideration of their securing the solid pudding of national profit.

And thus hath it ever been in the foreign dealings of our canny

[1] From the Adams MSS.

parent! With much to admire in her, both of good and great, it is not to be denied that in reference to foreign countries her eye is generally set upon the main chance. Compliments are very well, but results are better.

So far as I comprehend the legitimate position of Great Britain as taken under the old law recognized between nations down to this day, it rests upon two desperate quibbles.

The first is that the act of search was not completed. The violation of law consisted in not doing enough. If the offence had been greater, the grievance would have been less. If men, despatches and property had been adjudicated upon, the seizure might have been proved legitimate, or at the worst, justifiable.

The second is that the men were going *to* a neutral country, in a ship starting from a neutral territory. Ergo, there was no evidence of injurious intention. Surely a man intent on mischief in a foreign country could scarcely be caught in any other course than that which leads towards it. Neither is the character of that mischief changed, whether he go on a straight line, or pass on a right angle at the point of which should be placed another person's land!

In both cases the spirit of the law is equally overlooked. The object being one equally interesting to all nations, the prevention of harm to themselves, from the abuse by their enemies of the privileges conceded to third parties refusing to mix themselves up in the quarrel, it was fair to presume that once it was conceded to be just, the necessary means to attain it were of course implied. Hence the principle of the right of search in time of war. But this power being in its practical exercise liable to great abuse, the limitations upon it must be not merely good faith, but the ratification of some competent tribunal. Such being the theory, let us apply it to the case of the *Trent*. There is no evidence to show that Captain Wilkes transgressed the limitation, excepting in the failure to leave open his action for subsequent adjudication. To call his course an outrage is then simply preposterous. And to complain of it for the reasons given, is pretty much on a footing with a quarrel with a man for pursuing a debt because it may have been contracted on a Sunday.

I am stating this, you observe, simply on the ground of understood international law as heretofore established by Great Britain. The position now taken by her that the vessel is sacred because a mail-packet is something wholly new, and grows out of the changed nature of ocean-navigation between the great countries of the world. There is no such exception made in any of the books. No belligerent heretofore would have hesitated in seizing the mail-

coach and mail-bags crossing a neutral territory on the continent, if thereby he could possess himself of the person or the despatches of an enemy's ambassador. The thing has been done over and over. The assumption that a mail steamer is free from the right of search (for it amounts to that) is then a new interpolation into the law for the benefit of Great Britain which is doing its best to monopolise the article on the ocean. I do not say that it is a bad principle. On the contrary I approve it. But what I do say is that it is British law enunciated now as it always has been, to meet the especial emergency for its own benefit. And so it is in every other part of the case of the *Trent*. Whilst I consent to the result as in harmony with my opinion of the merits of the case, it in no way exalts my ideas of the system into which it has for the first time been incorporated. Doubtless you have long since perceived in my turn of mind little tendency to admiration of the foreign policy of the mother country. She blundered dreadfully in her course towards us during and immediately after the revolution. She might have subdued us morally after she ceased to attempt force. She preferred a different course, which was the means of making us a United nation. Still later she might have had our sympathy and even our aid in the struggle she carried on so long and so painfully with the power of Napoleon. Instead of it she chose to irritate us into enmity and war. And just so is it now. She might have conciliated us by a very small amount of sincere and hearty kindness in the midst of our distresses. She has deliberately preferred to sit as a cold spectator, ready to make the best of our calamity the moment there is a sufficient excuse to interfere. I do trust that in this last as in the two former cases, the result may be to bring round a consequence, the direct opposite of all her expectations.

I have written so much on this subject as to cut off much that I meant to say on the other topics of your letter. As to Sumner's speech, it was very good, but it has cost him his favor here. No paper has ventured to print it, and the *Times* indulges in its customary courtesy when alluding to it. As to your other observations upon the state of things at Washington, I keenly feel their justice. But it seems to me from this distance as if the course was improving all the time. Slowly perhaps but still certainly. In this hope I try to live, and to bear my troubles here, until the moment come which I shall hail with no little satisfaction, when I can return to the quiet life of former times in our good city of Boston. Very truly yours,

C. F. Adams.

## The English Press.

W. H. Russell, in a letter to the *Times* dated Washington, December 19, 1861, stated that the Queen's Messenger, bearing the British ultimatum, arrived before ten o'clock of the previous evening. He then goes on to say: "The members of Congress most averse from such a war are the very men who are most jealous of American honor, and yet they do not see how the Government can comply with a demand for the restoration of Mason and Slidell to the shelter of the British flag. This Government has compromised itself to that point. The only Minister who reports to the Congress directly is the Secretary of the Treasury. All the other Secretaries send in their reports through the President, who by the act adopts their language, inasmuch as he can strike out whatever he does not approve. Now in the report of the Secretary of the Navy there was the most unqualified approval and adoption of Captain Wilkes's act, which is therefore approved and adopted by the President of the United States." . . .

"On all hands it is now admitted that the offence was at once insult and wrong, and it is no great triumph, therefore, that it should have been followed by reparation. If we had had to deal with a friendly and courteous people, we should have had no occasion for preparations for war. If a French or an English captain, while the two nations are upon their present terms, were to gratify a crack-brained freak or an insane thirst of notoriety by some piratical outrage against the foreign flag, neither Government would wait to see whether any miserable advantage could be gained by the circumstance. The act would be at once disavowed, and the booty returned, with apologies and compensation. This was the course which if Federal America had been courteous or even shrewd, Federal America would have pursued. Mr. Seward missed a great opportunity when he failed to act as a European statesman would have acted under similar circumstances. At this moment there is no great sympathy here for either party. The attraction we feel towards a weaker nation invaded by a stronger and a richer nation is repelled by the very general detestation of slavery; and if Mr. Seward had seized the opportunity for a graceful and a courteous act we would not answer for how far our countrymen might have been tempted from their rigorous neutrality. It was a gross blunder for the shrewd Minister of a shrewd people to miss the chance of a great advantage only to do the same act at last under circumstances of unavoidable humiliation." Leader in the *Times*, January 9, 1862.

"If they had disavowed the seizure and given up the men at once, the American Government would have done much towards placing its flag under the protection of right and justice. But they kept the men till they had done for the South services far greater than they could possibly have performed had they been left at liberty. The men who in all probability would not have been able to effect anything by their advocacy with the Governments of England and France, became, when placed in prison, the most persuasive of missionaries, and made converts to Southern principles by mixing them up with the doctrines recognized by all nations." Leader in the *Times*, January 13, 1862.

"When it appeared that, under the name of defending the rights of neutrals, he had committed himself to propositions which would subject a packet-ship carrying a Confederate agent from Dover to Calais to be captured and taken to New York, it was felt that his [Secretary Seward's] own paper was its own best refutation, and that no reply could make clearer its utter absurdity. . . .

"The propositions upon which Mr. Seward had insisted were these: First, that 'Ambassadors from a belligerent to a neutral nation, sailing in a neutral vessel, from a neutral port to a neutral port are contraband of war'; secondly, 'that a neutral packet-ship carrying such Ambassadors from neutral port to neutral port is liable to be taken into port and confiscated'; thirdly, that if 'in the opinion of the Minister of a belligerent Power the safety of that Power demands the detention of persons illegally captured by the violation of a neutral flag, it is the right and duty of the belligerent nation to detain them.' These are the three propositions with which Lord Russell, assisted by the Law Officers of the Crown, had to deal. Perhaps it might have been sufficient to protest that, with regard to the first position, 'Her Majesty's Government differ entirely from Mr. Seward.' But the American Minister had enveloped his doctrine in a show of authorities. Now there are two classes of persons who misuse precedents. The first are flagrantly dishonest minds, who, when at a loss for a case in point, invent one and publish it to the world as authentic; the others are minds of such imperfect discipline and narrow purview that they cannot see the general character and ruling principle, but catch hold tenaciously of some single circumstance or striking word, and hold fast to it. Mr. Everett and Mr. George Sumner are the most recent public examples of the former kind of controversialists — Mr. Seward is an eminent instance of the latter. Let us take a single instance. Mr. Seward had found out that there were two cases in which Sir William Scott had laid

it down as law that 'you may stop the Ambassador of your enemy on his passage' and that 'civil functionaries if sent for a purpose intimately connected with the hostile operations, may be dealt with as if they had been belligerents.' Mr. Seward, seizing upon these words, draws the conclusion that Sir William Scott's authority would justify him in seizing an Ambassador wherever he can get at him — a construction which involves the absurd sequence that you might take him out of neutral territory, or out of a ship of war, or out of a neutral ship of commerce, — that you may hunt an Ambassador, in fine, wherever he may be. Lord Russell rectifies the construction by simply pointing to the authority cited. That authority supplies the *essential limitation*, — 'You may attach and arrest these persons *wherever your right to exercise acts of hostility exists*.' This right exists on board the *Sumter* or on shore at New Orleans, but certainly not on board English packet-ships. The intention of Sir William Scott, of course, was to decide that an Ambassador had no special protection in his enemies' country, but was liable to be seized, like any other alien enemy. Mr. Seward produces the words to show that you may seize Ambassadors under neutral flags, and claims this right as a provision in favor of neutrals.

"When Lord Russell has, in like manner, and with equal conclusiveness got rid of Mr. Seward's other authorities, the unsupported propositions stand alone in their naked absurdity; and there is now no danger that any future belligerent will make any similar claims 'on behalf of neutral rights,' or trespass upon Mr. Seward's line of argumentation. We shall never again hear it seriously contended that a nation, by declaring war against another nation, can cut off all the kingdoms of the earth from their right to diplomatic intercourse with its own particular enemy. We shall never again find a pretension set up to treat diplomatic intercourse with an enemy as a breach of neutrality in a neutral. These claims were put forward for the first time by the Minister of that great maritime and commercial Power whose interest has always been to extend the rights of neutrals, and to narrow the privileges of belligerents. They have been put forward by a minister who seems to have been as ignorant of the real interests of his country as he has shown himself incapable of reading the textwriters, or understanding the principles of decided cases. Our interest is all the other way. When we are at war, our whole force is on the seas, and every belligerent right over neutrals counts for double, to us, what it would to any other Power. The very best thing for our power would have been to give Mr. Seward's absurdities the force of International Law. But not even the authority

of England could have impressed the stamp of currency upon such nonsense. We have sometimes in our character of belligerents made strong claims, and have drawn upon us the hostility of the world, but we never claimed to stop neutral ships and seize our enemies out of them, as they were fleeing to a friendly country. We certainly never, in the highest flight of arrogance, declared that, if our safety demanded it we should claim a right to set all neutrality at nought, and exercise lawless violence alike over friend and foe.

"When dealing with such a reasoner as this, it is necessary not only to make our proofs clear, but also to make our resolves unmistakeable. Mr. Seward may, perchance, still be impervious to the reasonings contained in this State paper, although every European statesman will accept them as conclusive; but even he may learn from it what for the future he must not attempt to do. Lord Russell is very explicit to the effect that, if a British ship be *bona fide* bound to a neutral port, no men, and no despatches, will be allowed to be captured by any American cruisers. Lord Russell also declares, without hesitation, that 'to detain, disturb or interfere with packets engaged in the postal service — when sailing in the ordinary and innocent course of their legitimate employment, which consists in the conveyance of mails and passengers — would be an act of a most noxious and injurious character to the public interests of neutral Governments.' These are acts which Mr. Seward is warned not to be betrayed by his own bad reasons ever again to attempt. To Mr. Seward's strange declaration that he is prepared, under certain circumstances to disregard all law, there is no answer to be given but that which Lord Russell gives — namely, that Great Britain would not have submitted to the perpetration of any such act. The answer is very complete, but the contemporaneous arrival of the persons who had been kidnapped is a commentary which goes far to supersede the text.[1] Practically, the declaration as to the inviolability of mail packets is the most important portion of this document, for it gives grave sanction to a doctrine which before rested only on the slender authority of a modern French jurist. This is very important. The rest was only necessary to efface the blot which Mr. Seward's ignorance had thrown over the public law of Christendom." — Leader in the *Times*, January 30, 1862.

[1] Mason and Slidell, with their secretaries, reached Southampton, January 29, on the Royal Mail Company's steamship *La Plata*, the very vessel they would have taken but for Captain Wilkes' action. It was the *La Plata* which brought to England, November 27, the first news of the arrest of the Confederate agents.

The attitude and utterances of the English press at this period were something difficult to realize, as respects rudeness and contemptuous insolence. For example, here are three extracts taken at random from issues of the papers; one before the occurrence of the *Trent* affair, one while it was still unsettled, and one shortly after the incident was closed. They are merely examples taken at random, and in no way exceptional. The first is from the *Saturday Review* of October 6, 1861: "We do not agree with the *Times* in thinking that England stands in American opinion on the level of the least favored nation. We believe, on the contrary, that there is no nation whose esteem they so much desire; and that it is because they so much desire our esteem that they rail at us so much. The Americans crave for our sympathy, and, in a reasonable measure, they possess it. They have done their utmost to disgust and repel us. They have flourished in our faces manifestoes of buccaneering aggression. The statesmen and diplomatists by whom they have allowed themselves to be represented have exceeded in insolence, in ruffianism, in profligate dishonesty, all other statesmen and diplomatists with whom we have had to deal; and some natural exultation could not fail to be felt at the total break-down, in the face of real difficulties, of a set of low-bred swaggerers who had been 'chawing up creation' with their lies and their bluster, with their forged Oregon maps and their Monroe doctrines."

The next is from the *Morning Chronicle*, November 28, 1861, in the heat of the *Trent* excitement: "Abraham Lincoln, whose accession to power was generally welcomed on this side of the Atlantic, has proved himself a feeble, confused, and little-minded mediocrity; Mr. Seward, the firebrand at his elbow, is exerting himself to provoke a quarrel with all Europe, in that spirit of senseless egotism, which induces the Americans, with their dwarf fleet and shapeless mass of incoherent squads, which they call an army, to fancy themselves the equals of France by land, and of Great Britain by sea. If the Federal States could be rid of these two mischief-makers, it might yet redeem itself in the sight of the world; but while they stagger on at the head of affairs, their only chance of fame consists in the probability that the navies of England will blow out of the water their blockading squadrons, and teach them how to respect the flag of a mightier supremacy beyond the Atlantic."

The third is from the issue of the *Times* of January 11, 1862, just at the time that the news of the settlement of the *Trent* affair reached England: "The ferocity and vindictiveness which have become in the present generation part of the American character, as shown by duels and assassinations, and atrocities on board ship, that almost

pass belief, are now in full play in this unhappy strife. And as yet the passions of the combatants have hardly had scope. When the half-million of Northern soldiers are launched against their adversaries, we may look for deeds such as the warfare of hereditary rivals like England and France would never know. . . . If any one would learn the character which this war is assuming, let him read the accounts of the destruction of the port of Charleston. . . . Among the crimes which have disgraced the history of mankind, it would be difficult to find one more atrocious than this."

Mr. RHODES presented, for publication, the following letters from John Bright to Charles Sumner, obtained from the Sumner Papers in the Library of Harvard University.

## LETTERS OF JOHN BRIGHT, 1861–1862.

REFORM CLUB, LONDON, November 29, 1861.

DEAR MR. SUMNER, — I am here for a few days, where some excitement is caused by recent incidents growing out of your unhappy troubles. The *Nashville* is in harbour at Southampton, but orders have been given to prevent her taking on board arms or any matters of a warlike character. She will be allowed, I believe, to make repairs and to take coals and provisions, so that she may go to sea; but nothing appertaining to her as a ship of war will be permitted to be done. This I am told is the course to be taken. It is said she has property on board taken from the *Harvey Birch*, but we have no jurisdiction in the matter, and cannot on that assertion deliver her over to your authorities here. There is real difficulty in the case, but if I were Government I would have ordered her off within twenty-four hours. Possibly the law only enables our Government to act as I have described.

Then the Southern Commissioners have been taken from an English ship. This has made a great sensation here, and the ignorant and passionate and "Rule Britannia" class are angry and insolent as usual.

The Ministers meet at this moment on the case. The law officers say that your war steamer might have taken the *despatches*, or the *ship itself* into one of your ports for adjudication; but that to take the Commissioners was unlawful, inasmuch as it is not permitted for an officer of a ship of war finally to decide on the right of capture. That duty belongs to a regularly constituted Court. In fact you have done too little or too much. Had you taken the ship, the law would not have been broken; but having taken only the men you are in the wrong. I doubt this, looking to the terms of the law

as laid down in the authorities, and *to the terms* of our *royal proclamation issued some six months ago*. The whole code of law in these matters should be revised and made clear, or abolished. The latter would be best.

I understand your Minister here has no instructions on this matter, and is uninformed as to what were the intentions and orders of your Government. It may be that Commodore Wilkes acted for himself, and without specific orders. I hope our Government will take a moderate and forbearing course, and that yours will do the same. We might have been more friendly in the *Nashville* matter, and you in this of the *Trent*.

I am sure you will do what you can to smooth any irritation which may exist with you, and you have great power.

I may learn something more this way, for I shall probably see some Minister later in the day, and I am to dine with Mr. Adams at seven o'clock; but I write this in case I cannot say anything at a later hour in time for to-morrow's boat. I hope to do some service for both countries on Wednesday next. . . .

JOHN BRIGHT.

There is a feeling among our Ministers that Mr. Seward is not so friendly in his transactions with them as they could wish. I hope this is not so.

MANCHESTER, November 30, 1861.

DEAR MR. SUMNER, — I am just here from London and write in hope of catching the Steamer at Cork.

Mr. Adams saw Lord Russell yesterday, but could give no information on the *Trent* affair having received no instructions.

A Cabinet Council was held yesterday. The Chancellor, Attorney and Solicitor General [Roundell Palmer] were agreed and decided that you have done an illegal act in seizing the Commissioners. You might have seized the *Trent* and taken her to New York or elsewhere for trial, and condemnation if she deserved it, but you could not seize persons in the ship, when no trial could be had, and no legal procedure be resorted to. This is the opinion of our lawyers. Yours may hold a contrary opinion. Nothing was decided, and another meeting was to be held today. I have urged that nothing should be done till after Monday, when Mr. Adams may have instructions or explanations; and further, that nothing should be asked from your Government that you could not easily comply with.

The tone of the Ministers is not violent, and I hope they will be moderate; but I can promise nothing.

A portion of our Press is rather violent, and foolish people are foolish, but we hope nothing worse may come of it.

I am hoping to hear good of your Beaufort expedition, and of all you do to restore peace and union.

In great haste for I am not sure I shall catch the Boat at Cork. . . .

JOHN BRIGHT.

ROCHDALE, December 5, 1861.

DEAR MR. SUMNER, — You will have received from me two hurried notes which I wrote for the last steamer. The excitement here has been and is great, and it is fed, as usual, by newspapers whose writers seem to imagine a cause of war discovered to be something like "treasure trove." I am not informed of the nature of the dispatch of our Government beyond what appears in our Papers, and I know not how far its tone is moderate or otherwise. Our law officers are agreed and strong in their opinion of the illegality of the seizure of the Commissioners, but I cannot make out how or where it exceeds the course taken by English ships of war before the war of 1812. But all the people here, of course, accept their opinion as conclusive as to the law of the case. I assume that your law officers will be equally agreed and strong on the other side, and thus nothing will be proved to the satisfaction of the two Governments and nations. Now, notwithstanding the war spirit here, I am sure, even in this District where your civil strife is most injuriously felt, that all thoughtful and serious men, and indeed the great majority of the people will be delighted if some way can be found out of the present difficulty. If opinions on your side and ours vary and are not to be reconciled — I mean legal opinions — then I think your Government may fairly say it is a question for impartial arbitration, to which they are willing to submit the case; and further, that in accordance with all their past course, they are willing to agree to such amendments of maritime or international law as England, France and Russia may consent to. If I were Minister or President in your country, I would write the most complete answer the case is capable of, and in a friendly and courteous tone, send it to this country. I would say that if after this, your view of the case is not accepted, you are ready to refer the matter to any Sovereign, or two Sovereigns, or Governments of Europe, or to any other eligible tribunal, and to abide by the decision, and you will rejoice to join with the leading European Governments in amendments and modifications of international law in respect to the powers of belligerents and the rights of neutrals.

I think you may do this with perfect honor, and you would make

it impossible for the people of England to support our Government in any hostile steps against you. In fact, I think, a course so moderate and just would bring over to your side a large amount of opinion here that has been poisoned and misled by the *Times* and other journals since your troubles began.

You know that I write to you with as much earnest wish for your national welfare as if I were a native and citizen of your country. I dread the consequences of war quite as much for your sakes as for our own. So great will be my horror of such a strife that I believe I shall retire from public life entirely, and no longer give myself to the vain hope of doing good among the fools and dupes and knaves with whom it is my misfortune to live, should war take place between your country and mine.

I need not tell you who are much better acquainted with modern history than I am, that Nations *drift* into wars, as we drifted into the late war with Russia, often thro' the want of a resolute hand at some moment early in the quarrel. So now, a courageous stroke, not of arms, but of moral action, may save you and us. I suppose the act of your Captain Wilkes was not directly authorized by your Government; if so, the difficulty will be smaller. You would not have authorized such an act against a friendly nation, calculated to rouse hostile feelings against you; you repudiate any infraction of international law; the capture of the Commissioners is of no value when set against the loss of that character for justice and courtesy which you have always sustained; and you are willing to abide by the law as declared by impartial arbitration. I hope opinion is not too strong and too excited to prevent your taking this moderate course.

It is common here to say that your Government cannot resist the mob violence by which it is surrounded. I do not believe this, and I know that our Government is often driven along by the force of the genteel and aristocratic mob which it mainly represents. But now in this crisis I fervently hope that you may act firmly and courteously. Any moderate course you may take will meet with great support here, and in the English Cabinet there are, as I certainly know, some who will gladly accept any fair proposition for friendly arrangement from your side.

Your Congress is just meeting, and your Foreign Relations Committee and your Senate will have this matter in hand. If you deal with it so wisely as to put our Government in the wrong in the sight of all moderate men here, you will not only avoid the perils now menacing but you will secure an amount of friendly sympathy here which hitherto unhappily has not been given you.

I heard in London that when your Steamer *San Jacinto* was at Havana, the Southern Commissioners were invited by Capt. Wilkes to *dine with him on board his ship*, and that they did so dine with him. The idea has been put forward that the whole thing was arranged, with a view to embroil the North with England. This fact was positively stated to our Cabinet at their meeting on Friday or Saturday last. I spoke at length last night on American affairs.[1] Mr. Cobden wrote an admirable letter to the Chairman of the meeting. I hope what was said and written may be of use here and with you. Between the *Nashville* and the *Trent* there is combustible matter for both sides the water. Don't allow *temper* in any of your statesmen to turn his judgment. Without foreign war I look to the restoration of your Union. Give no advantage to the enemies of your Republic here, and you will be all right again by and bye. Be courteous and conceding to the last possible degree, now in your time of trial, and may God help you in your struggle for freedom and humanity.

Can you let me know anything when determined on? You may entirely rely on my discretion in regard to it. . . .

JOHN BRIGHT.

*Private.* ROCHDALE, December 7, 1861.

DEAR MR. SUMNER, — I write a few lines more for the steamer at Cork tomorrow. There is more calmness here in the public mind, which is natural after last week's explosion; but I fear the military and naval demonstrations of our Government point to trouble, and I am not sure that it would grieve certain parties here if any decent excuse could be found for a quarrel with you. You know the instinct of aristocracy and of powerful military services, and an ignorant people is easily led astray on questions foreign to their usual modes of thought. I have no doubt you will be able to produce strong cases from English practice in support of the present case, but I doubt if any number of these will change opinion here. It will be said, and is said already, that if we did wrong fifty years ago, it is no reason why you should do wrong now. The law is the law and it shall not be broken, and we take our law officers' law for our law. Now what is to be done? You must put the matter in such a shape as to save your honor,* and to put our Government in the wrong if they refuse your proposition. I see no way but to

[1] At Rochdale. See Rogers, *Speeches of John Bright*, I. 167.

* The retention of the Commissioners cannot be worth a farthing to you in comparison to the desperate evil of war with England — as the result of any arbitration you may give up anything without any wound to your honor. *Note by Bright.*

state your case in all its completeness, and then to offer to leave the question to the decision of some tribunal — say the French Emperor, or the King of Holland, or the King of Prussia, or the Emperor of Russia, or any two of them — and at the same time to restate your willingness so to amend and define international law as to make such cases of difficulty impossible hereafter. Such a fair, and I will say, Christian course will disarm multitudes of our people, and whatever may be the secret wishes of our Government, it will, I cannot but believe, be compelled to yield; and you may rest assured, that such a course on your part will do much to create a more generous feeling here with respect to your main question.

At all hazards you must not let this matter grow to a war with England, even if you are right and we are wrong. War will be fatal to your idea of restoring the Union and we know not what may survive its evil influences. I am not now considering its effects here — they may be serious enough, but I am looking alone to your great country, the hope of freedom and humanity, and I implore you not on any feeling that nothing can be conceded, and that England is arrogant and seeking a quarrel, to play the game of every enemy of your country. Nations in great crises and difficulties, have often done that which in their prosperous and powerful hour they would not have done, and they have done it without humiliation or disgrace. You may disappoint your enemies by the moderation and reasonableness of your conduct, and every honest and good man in England will applaud your wisdom. Put all the fire-eaters in the wrong, and Europe will admire the sagacity of your Government.

Your Congress meets, I think, on Monday; I pray that in your Senate, in the Committee over which you preside, and in your Cabinet councils, and in the breast of your President there may be the calm wisdom which will baffle those seeking to force you into war with England — England, just now endangered by the power of her oligarchy and her overgrown military services. My speech has been published very widely, in all the chief London and many influential county papers. It may do some good here. Excuse my troubling you so often. . . .

JOHN BRIGHT.

*Private.* ROCHDALE, December 14, 1861.

DEAR MR. SUMNER, — I cannot let the boat go without sending you a few lines. There is less passion shown here than there was a week ago, and there has been a considerable expression of opinion in favor of moderate counsels, and urging arbitration rather than

war. The unfavorable symptom is the war preparations of the Government and the sending of troops to Canada, and the favor shown to the excitement which so generally precedes war. This convinces me either that this Government believes that you intend war with England, or that itself intends war with you. The first supposition is scarcely credible — unless the New York *Herald* be accepted as the confidential organ of your Government (!), or that Lord Lyons has misrepresented the feeling of the Washington Cabinet. The second supposition may be true, for it may be imagined that by a war got up on some recent pretence, such as your Steamer *San Jacinto* is supposed to have given, we may have cotton sooner than by waiting for your success against the South. I know nothing but what is in the Papers; but I conclude that this Government is ready for war if an excuse can be found for it. I need not tell you that at a certain point the *moderate* opinion of the country is borne down by the passion which arises, and which takes the name of patriotism, and that the good men here who abhor war may have no influence if a blow is once struck.

There is great anxiety for the next arrivals from your side. It is feared that the President's message may commit him to some course on the "seizure" affair before he has received accounts from England. I rather incline to rely on his calmness and prudence, and to hope the best.

I have no positive information as to the demand made by this Government; but in case it cannot be complied with, I hope you will be able to make some offer of negotiation and arbitration that will strengthen the hands of all moderate men here, and make it impossible for our "religious public" to support a war. My own opinion is that the more liberally and generously you can act, the more you will turn the tide of feeling in England in your favor, and baffle the wretches who, hating your Institutions, except that one of the South, will be glad to make war upon you.

Mr. Cobden has written to you on the subject of the Blockade. If his project were possible it would tell admirably in Europe; whether it could be worked I know not. It is a desperate evil in your case that England and France, and England especially, should have so strong an interest in seeing the commerce of the South set free, and in this you run the risk of a quarrel being made by this Government; but whether many other chances of quarrel would not arise if the Blockade were voluntarily raised, in consequence of the stoppage and search of vessels for contraband at the entrance of your ports, I cannot tell; nor do I see how you could collect your duties. If collected off the port, then, would the Southern authori-

ties permit goods to be landed except on payment of further duties to them? The whole question is full of difficulties which I cannot solve or even advise upon.

If you are resolved to succeed against the South, *have no war with England;* make every concession that can be made; don't even hesitate to tell the world *that you will even concede what two years ago no Power would have asked of you*, rather than give another nation a pretence for assisting in the breaking up of your country. The time will probably come when you can safely disregard the menaces of the English oligarchy; now it is your interest to baffle it, even by any concession which is not disgraceful. . . .

JOHN BRIGHT.

*Private.* ROCHDALE, December 21, 1861.

DEAR MR. SUMNER, — I do not let the steamer go without sending you a few lines. This week the country has been shocked by the death of Prince Albert, but our war journals have not suspended their mischievous labors. There has however been more manifestation of opinion in favor of peace, and of moderate counsels, and of arbitration in case your Government cannot accept the opinion of our law officers on the unhappy *Trent* affair. I *suspect* there is a section of our Government disposed for war; but I *know* there is another section disposed for peace, and I hope your Government may act calmly, and uninfluenced by the insults of some of our journals, so as to give strength to the section that is in favor of peace. I heard yesterday that Mr. Adams had received from the President an approval of the view he had expressed some time ago to Lord Palmerston, that his Government would not be likely to authorize the stoppage of our West India steamers to search for the Southern envoys, and that the President had written this *after* he had received intelligence of the stoppage of the *Trent*. Should this be correct, then, I hardly see how your Government can hesitate as to the course they should take, and that course must do much to ensure peace.

The *Times* and other journals, but the *Times* chiefly, have sought to create the opinion that your Government, and Mr. Seward principally, seeks war with England; and I feel certain that if you can baffle them in this one instance, opinion here will go much against them and in your favor. Unfortunately whilst heretofore cotton has been the great bond of peace between the United States and England, *now* it is acting in a contrary direction. Men think whatever the evils of war with you, at least it would give us cotton — they care little for the monstrous cost, if the price is war — and

thus cotton acts at this moment rather adversely than favorably to peace.

Mr. Cobden writes to me again about the Blockade. It would indeed be fortunate if you could permit the trade to be reopened; but I tell him I do not see how it can be done if the struggle is to be continued. He fears, as I also fear, that unless something decisive can be done soon on the Potomac, that if the present crisis be got over, other questions of difficulty will arise, or will be made, to form an excuse for England or France, or for them both, to recognize the South and to take steps for raising the Blockade of the Southern ports.

Mr. Cobden too condemns the stopping of the ports by sinking ships laden with stones, as being barbarous and permanently hostile to commerce. But *war is barbarous*, and this is but an act of war. As regards Charleston, I suppose Beaufort or Port Royal may be substituted, and may be a much better port. I mention this point to show what we are thinking of and talking about.

I have seen a letter from a Cabinet Minister here, and an influential one, arguing that the sending of forces to Canada now is necessary as a measure of precaution, as they could not be sent during the winter if matters should come to the worst, and that it should not increase the difficulty of a peace course on your side. I believe opinion in Europe is against you on the *Trent* seizure, and that any concession you can make will obtain you much good will in Europe, and that your friends will most rejoice at it. I think too that this is the view taken by some of the U. S. ministers and consuls in England and in Europe. I wish you all success in your efforts to promote peace. If the two Governments wish it, it surely cannot be in much peril. . . .

JOHN BRIGHT.[1]

*Private.* ROCHDALE, January 11, 1862.

DEAR MR. SUMNER, — Your letter of the 23d ult. reached me on the 7th of this month. It shewed such evidences of anxiety on your part that it made me intensely anxious, and I was not prepared for the tidings of the following day, which announced the settlement of the question which was the main cause of immediate danger. I need not tell you how much I rejoice, or how much I admire the dignity and tact with which the matter has been dealt with in the dispatch of your Government so far as I have yet seen of it. The war-mongers here are baffled for the time, and I cannot but

[1] A letter from Sumner to Bright, of December 23, 1861, is printed in Pierce, *Memoir and Letters of Charles Sumner*, IV. 57.

believe that a more healthy opinion is gradually extending itself on all matters connected with your great struggle.

Mr. Cobden wrote to you about the blockade, and suggested what may appear impracticable perhaps, in his great anxiety to have removed any pretence for interference on the part of England or of France. I have abstained from following up his suggestion, because it did not appear to me to be possible to act upon it. Still the subject is one which involves a great peril, and I have a letter from a friend of mine in a Government office, tho' not a member of the Government, in which he expresses his confident belief that Palmerston and Louis Napoleon do intend at an early period to recognize the independence of the South, and to repudiate or break the blockade. Now, I should think that after repeated declarations of neutrality, and seeing that the power of your Government is evidently increasing, this is not likely; yet, knowing the willingness, and I will say the eagerness of our ruling class, *not of our people*, to see your republic broken into smaller and weaker parts, I cannot wholly disregard the warnings of my correspondent, and I wish to write to you especially upon this point.

Charleston harbour is now partly shut up, and there remain only three ports of great importance as far as regards the export of cotton — Savannah, Mobile and New Orleans. It is the closing of these ports only, and really of the two last named, which is the difficulty. If your Government could occupy the cities and ports of *New Orleans* and *Mobile*, you could at once raise the blockade, receive imports and permit exports, and the customs receipts would go into your coffers. The cotton pressure here is considerable, and may become very formidable. The price has doubled, and as the price of yarns and cloth does not follow in any proportion, trade is greatly embarrassed, and many mills are not at work. To the work-people, the opening of the ports is of great moment; with the spinners and manufacturers and merchants, I think generally there is no wish for any *immediate* change. Stocks are now held at high prices, upon which great losses would be sustained, and it is felt that what is now taking place, tho' a severe process, is clearing the world's markets and providing for a more profitable trade hereafter. But our Government could pretend an anxiety for the welfare of the work-people and for our trade, and on this pretence join France in the vile attempt to ensure your permanent disruption by aiding the South. Your occupation of the two ports I have mentioned would enable you to raise the blockade of those ports, and thus to reopen the trade in cotton, and you would thus baffle the designs attributed to the European Governments.

There is one other resource in your hands. I notice what Mr. Seward says about the Slave States which adhere to the Union, and I see the difficulty of the position with regard to them. If they could be brought to consent to a *compensated* manumission of their slaves, and thus abandon all interest in the "institution," the course would be much clearer. The general question would then be more easily grappled with. If at any moment your President or Congress should *know* that the independence of the South is about to be recognized by England, your true policy, if it be a possible policy, is to declare all slaves free; and if this Declaration precedes the recognition of the independence of the South, then England would be put in the position not of continuing merely, but of actually *restoring* the condition of slavery throughout the Southern States. So long as the *independence* is not acknowledged, so long manumission by your Government would have in the eye of foreigners the force of law, seeing that it would be an act done to secure your Government and your Union, and I think it would hardly be possible for this Government to recognize the independence, and repudiate the blockade, and therefore to make war upon you to reestablish the condition of slavery among all the negroes of the South.

I am now writing as if I believed all the worst of our Government. Of some of its members I can believe anything bad, and of its chief principally,[1] and I know how the course of Government here is worked by and in accordance with the natural instincts of the privileged order from which it springs. There are other members of the Government who can wish for no evil of this kind, but who may be cajoled and deluded into it. With these we shall do our best to warn them, and to urge them to break with their colleagues rather than permit anything adverse to your Union to be done. It is evident from your journals that the United States Government is becoming more and more able to grapple with the insurrection. Mr. Russell, in a letter just published in the *Times* admits this, and says that he has always known that the North would succeed if the Northern people would find funds for their Government. I wish this idea to be universally entertained here; the contrary opinion has generally prevailed even among those friendly to you, and I have often found myself alone in my view when discussing the point with my friends. Everything done with you which shows power by land or sea, every new point occupied, every move in the direction of freedom to the slave, tells here powerfully and makes it less possible for our Government to deal treacherously with you and to inflict any blow upon you.

[1] Palmerston.

Our Parliament meets about or on the 6th of February. America will come in for no little discussion, and I have no doubt that attempts will be made to urge the Government to recognize the South. If any facts or arguments occur to you that would be useful in our discussions, I shall be glad to receive any hints from you. Our honor as a nation, and your honor and interests, depend upon wise action in this great question. The true friends of a nation's honor and interests are often few, and they need strength from every side.

With all good wishes for you and your country, and with heartfelt gratitude to your Government for its courage and dignity. . . .

JOHN BRIGHT.

## LETTERS OF DANIEL WEBSTER, 1834–1851.

The EDITOR stated that Mr. Horatio G. Curtis, of Boston, had courteously submitted for publication the following letters, now in his possession, from Daniel Webster to his father, Thomas B. Curtis.

### To JOHN SARGEANT.

*Confidential.* [1834.]

DEAR SIR, — I have said nothing in this letter, in answer to your remarks as to a successor to Mr. Choate. That matter must be thought of, very carefully, when the time arrives.

For my own part, if I were now to name a successor to Mr. Choate, I should name Mr. Phillips. It is very well that Massachusetts should have an eminent Merchant in Congress. This is due to the commercial interests.

One of her very best Lawyers, and one of her most eminent Merchants make a proper representation of the Old Bay State in the Senate.

I can say this only to you; as all the Gentlemen whom you have named are respectable, and neither of them would do dishonor to the State. Yours truly

D. W.

I suppose it is true that Mr. Choate means to resign, some time in March.[1]

[On the back of the sheet is written] *Private.* T. B. CURTIS, Esq.

[1] Rufus Choate resigned in 1834, and left Congress at the end of the first session of the Twenty-third Congress. He was succeeded by Stephen C. Phillips, of Salem. There was a rumor of Choate's resigning in 1844, and Webster himself appears to have been mentioned to succeed. *Private Correspondence of Daniel Webster*, I. 180.

## Invitation to Public Dinner.

Sept. 8, 1842.

To the Hon[ora]ble Daniel Webster —

Sir, — The undersigned, desirous of evincing their gratitude for your eminent and patriotic public services, during a long term of years and especially for the part sustained by you in the late negotiations which have been so skilfully conducted and happily terminated in a Treaty with Great Britain, invite you to meet them at a Public Dinner at such time as shall be convenient to yourself.

H. G. Otis
Josiah Bradlee
Charles P. Curtis
Abbott Lawrence
N. Appleton
P. T. Jackson
Joseph Balch
James K. Mills
F. Skinner
J. Thos. Stevenson
J. Ingersoll Bowditch
S. Austin, Jr.
Jos. T. Buckingham
Thos. B. Curtis
Abel Phelps
Peter Harvey
Eben. Chadwick
J. Mason
Wm. Sturgis
Charles G. Loring
Wm. Appleton
Henry Cabot
P. C. Brooks
Rob. G. Shaw
Benj. Rich
Phineas Sprague
Henry Oxnard
Lemuel Shaw
B. R. Curtis
Tho. B. Wales
Geo. Morey
C. W. Cartwright
E. Baldwin
Horace Scudder
Robt. Hooper, Jr.
Samuel Quincy
Ozias Goodwin
Jos. Russell
Jacob Bigelow
Jona. Chapman
G. R. Russell
H. Wainwright
Francis Fisher
John S. Blake
F. C. Gray
Nathan Hale
J. M. Forbes
S. Hooper
George Howe
W. H. Gardiner
J. H. Wolcott
Daniel C. Bacon
J. Davis, Jr.
W. C. Aylwin
F. Dexter
Isaac Livermore
Thos. Kinnicutt
Edm. Dwight
John P. Robinson
Henry Wilson
Geo. T. Curtis
Geo. Tyler Bigelow
Wm. W. Greenough
Thos. Lamb
Joseph Grinnell
Francis Welch

| | |
|---|---|
| Jno. L. Dimmock | Sidney Bartlett |
| Francis C. Lowell | Sewell Tappan |
| Caleb Curtis | Saml. L. Abbot |
| Geo. Hayward | Joseph Ballister |
| Amos Lawrence | Henry D. Gray |
| Geo. Darracott | Geo. B. Cary |

### To Thomas B. Curtis.

*Private and Confidential.* Mar. 13, 1843.

My dear Sir, — Mr. Cushing will be in Boston, on Friday morning, at the Tremont House, on his way home. As you may suppose, he feels not only grieved, but indignant, at the treatment which he has received from the hands of the Ultra Whigs, in the Senate. In this feeling, I, for one, most heartily partake; and shall not, and cannot, blame him, for any proper resentment, which he may manifest.

Mr. Cushing has been, in my opinion, by far the most efficient friend in Congress of all our N. England interests. Without his unwearied efforts, there would have been no Tariff; and on all great questions, he has pursued, exactly, the principles, upon which the Whigs came into power.

He is now determined, now, to understand what are to be the relations, between him and the Whig Organization of Massachusetts. If the tone which is held towards him, by some of the Whig papers, is to be regarded as sanctioned by the general voice of the Whigs, he only wishes to know it. He asks no favors, of course; but it is no more than right that a clear understanding should exist, all round. There ought no longer to exist a dubious state of relations. Mr. C. will be before the People for re-election. Is he to be opposed, as being no Whig? This is the question.

Mr. Cushing will be glad to see you, on Friday.[1] Meantime, I have no objection to your reading this letter to Mr. Chapman, Chairman of the Whig General Committee. Yours truly

Danl. Webster.

### To Thomas B. Curtis.

Washington, Jan. 17, '44.

My dear Sir, — I thank you for your letter, and am delighted with Govr. Briggs' speech. It had become quite time for us to have *thoroughly sound* doctrine from the Chair of State; and we

[1] Two months later, Cushing was appointed to the China Mission, Edward Everett having declined it.

have got it. I have no doubt it will be well received, throughout the State, and will especially revive the hearts of the Whigs.

I find here a very strong confidence, existing in the minds of sober and calculating men, in Mr. Clay's election. Mr. Van Buren seems to be waning, and many who voted for him in 1840 will not support him again, altho' there should be no alternative but Mr. Clay's election. The Whigs of the South, and the South West, are especially sanguine. Mr. Clay will meet with difficulty, I suppose, in Massachusetts, owing to the particular state of things; but as he is sure to be nominated, it seems proper to do what we can. If the great radical and disorganizing party, which now rejoices in Mr. Van Buren as its leader, and in his opinions and principles, as political standards, can be once more thoroughly beaten, we may yet see better times, and a good Gov[ernmen]t.

Mr. Henshaw appears to have lost his office by shewing bitter intolerance towards others, while he stood in need of tolerance himself.

It is conjectured that Mr. Spencer will find rough travelling through the Senate; but I know no more of these matters than I gather from common talk.

When you have no better employment, pray write to me, under cover to Mr. Choate, or Mr. Evans. I shall be here a month, I suppose, and then go North for a while; and having but little to do, get along very well, notwithstanding continual rainy weather. Yours truly,

DANL. WEBSTER.

## To THOMAS B. CURTIS.

WASHINGTON, Jan. 30, 1844.

MY DEAR SIR, — I am obliged to you for your letter. I have seen your Son,[1] for a moment, and shall try to look him up again today, and his friend Clark.

The notice of Mr. Choate's resignation is at least premature. He is here yet, and I believe speaks today, in the Senate on the Oregon business.

These Newspaper accounts of my being about to go to N. York have annoyed me exceedingly. I really wish the printers would let private men and private things alone. Let me tell you just what has occurred.

I had a quantity of titles to Western lands, which I placed in the hands of an agent in N. Y. to sell, or exchange for productive prop-

[1] Daniel Sargent Curtis.

erty elsewhere, etc. He found a house and a dozen acres of land, the house used as a boarding house, on the Jersey Shore, opposite N. Y. This he took, paying for it some money, and some western lands. And that is all, for rumour No. one. Now for No. 2. I am retained to argue three or four causes, in N. Y. in the course of the Spring and Summer. Some very respectable Young Gentlemen thought it would be convenient for me, and not inconvenient to them, that when in N. Y. on professional business, I should occupy a room near theirs, with access to their Library etc. And this offer, I of course gladly accepted.[1] And that is all of No. 2. What No. 3 will be, cannot be foreseen. I do not wish to make statements about myself, or my purposes, through the press; but I will thank you to say, to all and singular, that I am, and shall be as long as I live, "D. W. of Marshfield, in the County of Plymouth, and Commonwealth of Massachusetts."

It is not likely that I shall long continue to do professional business, any where. And while I continue in my vocation, its principal theatre must of course be Massachusetts; not declining offers, however, which can be conveniently accepted, from other States.

Mr. Clay's friends continue to be confident of his Success. It is most certain that Mr. Van Buren is regarded as a heavy load to carry. Yet, he will be nominated, and you know there is much cohesion in that party. State elections will be taking place throughout the country at or about the same time as the choice of Electors. These elections will bring out parties, strongly, and party feeling and party action being thus roused, Mr. Van Buren's cause, now apparently cold, may be warmed again, and cherished with more zeal and spirit. So that if the Whigs hope to carry the Country, they ought to be prepared for a vigorous contest. I am, Dear Sir, with great regard, Yours,

DANL. WEBSTER.

## To THOMAS B. CURTIS.

BOSTON, Mar. 27, 1844.

MY DEAR SIR, — I am obliged to you for calling my attention to a publication in the New York *Express*, of the 26th instant, appearing in the form of a letter from Washington. So far as it respects me, the whole publication is a tissue of falsehoods, from beginning to end; and I cannot but express my astonishment, that it should have found its way into a respectable paper.

[1] Van Wimble and Moulton. *Private Correspondence of Daniel Webster*, II. 181.

I know not whether it is worth while to take public notice of a statement, or series of statements, at once so false, and so utterly incredible, but you are at liberty to make any use of this letter which you may see fit. Yours with much regard,

DANL. WEBSTER.

## To THOMAS B. CURTIS.

WASHINGTON, Mar. 21, 1850.

MY DEAR SIR, — Except a letter from Mr. Mills,[1] yours was the first to let me know that there were some things in my Speech that Boston people, or some of them could approve. But it informed me, also, much to my regret, that Mr. Stevenson[2] was dissatisfied. There is hardly any one I like better, or whom I should be more glad to please; and I hope, still, that upon reflection, he will modify his feeling.

It is a speech containing two or three propositions, of fact, and law. Mr. Stevenson is a very good judge to decide, whether all or any of these are without foundation. That the speech presents not an agreeable state of things, respecting the slavery question, is plain enough; the question is, does it present the *true* state of things?

I hope to be able to send you, today, a copy of a corrected Edition. I shall send another to Mr. Stevenson; and perhaps he will look the Speech over again. One thing appears to me to be certain, and that is, that if we would avoid rebellion, out-breaks, and civil war, we must let Southern Slavery alone. Another is, that the keeping up of this Slavery agitation, useless as it is, in Massachusetts, disaffects the whole South, Whig and democrat, to all our Massachusetts interests.[3]

But it is enough that you have had to read a Speech. I will not "superinduce," as they say here, the infliction of a political letter.

I have been a sufferer from colds, and a sore throat; but am better, and hope to get to the Senate today. Yours, truly, always,

DANL. WEBSTER.

I have much occasion to go home, to see to my own affairs; but I cannot leave my place, pending this California question. California will come in, in due time, exactly as she is.

[1] James K. Mills.

[2] J. Thomas Stevenson.

[3] "I know not how to meet the present emergency or with what weapons to beat down the Northern and Southern follies now raging in equal extremes." *Webster to Fletcher Webster*, February 24, 1850. Van Tyne, *Letters of Daniel Webster*, 393.

## To Thomas B. Curtis.

Washington, Jan. 20, 1851.

My dear Sir, — I received yours of the 18th this morning. No wonder, you decline to contribute further to Colleges, and Theological Schools, until you know whether sedition and licentiousness, or the law and the gospel are to be taught and preached in them. Religious instruction has hitherto been very well supported in this Country, under the voluntary system; but the laxity of morals, and the perverseness of sentiment, prevalent in these times cast a deep cloud over the future.

I cannot but think it to be the duty of the Whigs in the Massachusetts Legislature to join with honest conservative Democrats, and elect any good man of either party. I believe that would be much better than to let the Election go by. For one, if I had a vote, I should not hesitate to give it for a sound, sensible, Union man of the Democratic Party, if I could not elect a decided Union Whig.

I feel as if our Whig friends wanted *decision*. In my opinion, the present is the moment for the friends of the Union to *unite*, and rally in its support. Yours truly

Danl. Webster.

## To Thomas B. Curtis.

*Private and Confidential.* Washington, Jany. 24th, 1851.

My dear Sir, — I have received your letter of the day before yesterday.

I repeat my earnest opinion, that the true course for the Whigs in the Massachusetts Legislature, is to join the Conservative Democrats, if by so doing they can elect a decided Union Man of that party. I have no doubt that this is better than to put off the election.

Be assured, My Dear Sir, that there is not a syllable of truth, in all you hear about dissentions in the Cabinet, or of the President's joining new friends. The Administration will of course not refuse the support of any, in public life, or in private life, who choose to give it their support, but it will not depart a hair's breadth from the principles upon which it has acted up to this time.

I will send you the Roll of names. Yours truly,

Danl. Webster.

## Letters of Francis Baylies, 1827–1834.

The following letters are taken from the collection of Baylies Papers presented by Governor Long, May, 1910.[1]

### To Gulian C. Verplanck.

Taunton, Saturday Evg. Nov. 10, 1827.

My dear Sir, — Yours of Wednesday Evening I received this morning, and I cannot sleep without congratulating you on the unparralled victory in the City. You must know that the effect of this election travels far beyond your limits. It was not so much eleven assemblymen gained to the Legislature of New York, (although that is important,) as this decided demonstration of opinion given by the greatest City of the Union, a City which may well be called its heart, and I think now its head. It demonstrates to this corrupt coalition that public opinion will in time run clear and transparent, although the waters of its fountain head may be defiled. The City of New York operates on the whole Confederacy and produces the same effect on political opinion as her Merchants do in regulating the market, and her Capitalists in establishing the price of stocks; and not even an election there of Charter Officers but what has its effect abroad. It is all important, it puts the battle in our power. Yet even the Jacksonians in New England, who maintain their lonely posts in the heart of the enemys country, may now march under the banner of the Great City, and (I hope) the Great State with Jackson for commander, to a victory as certain as overwhelming and as glorious as that of New Orleans. If the State goes with the City she will, indeed, be placed in a proud position, asking nothing for herself, no state favourite to gratify, no State interest to subserve, nor begging for corps of electioneering Engineers to traverse her domain,[2] — relying on her own resources, independent, impartial and patriotic. Your friend,

Francis Baylies.

### From Francis Baylies.[3]

Taunton, Nov. 24, 1828.

My dear Sir, — Yours of the 17 I have just received. Lord Nelson after the battle of Aboukir called it a conquest and not

[1] *Proceedings*, xliii. 547.

[2] A reference to President Adams' policy of internal improvements under the direction of the national government.

[3] An unfinished draft of a letter, without the name of the person to whom it was written.

a victory. So let ours be called. I am beginning to think with Bradley we are getting too Strong. It is always best to have a formidable minority if that minority is honest. If they are rogues that is another thing, — but blessed is the country where the rogues are a minority.

It was an awful disaster to the Ebony men here, they never dreamed that such a result was possible. The wise men of our State not a week before the Pennsylvania election of members of Congress, had put forth their Exposé claiming 16 members, favourable to the Administration from Pennsylvania, and they honestly believed and put their names to the statement. What is peculiarly galling to many of them, they have lost all their spare money and John Q. together. The only way that they could find to vent themselves at first was to utter imprecations on General Jackson, but *the office holders and office expectants* have altered this style of rebuke, and all the Ebonies are now holding a new language. General Jackson, say they, is a man too disinterested and patriotic to remove men from office merely for a difference in opinion, they have entire confidence in his wisdom and forbearance, and are very indignant at suggestions which have been made in some of the papers, that a part of the Electoral votes *should* be diverted from him and given to *another* man, a new candidate, and they warmly resent this imaginary wrong, like an old Englishman who lived in this village, when describing a quarrel in which he had been engaged. Why, said the old fellow, "the people were all surprised to see how mad I was;" and I really am surprised to find how mad those are who have distributed coffin handbills without number and blistered their [tongues] in telling lies about Old Hickory lest he should be wronged. I am certainly growing lukewarm.

In this great battle my New York friends, when you see them, will tell you that I have done my part. I knew where to choose my battle ground. Give me an open field and fair play, and if I am beaten the fault is my own. There is yet another battle to be fought, when the Lyon [1] of the west drives the oriental tyger [2] to his den. There I meet him — perhaps. You must know when I go to Boston I go through Quincy.

Now Colonel, let me know the news. Let me know whether Henry Clay is not grieved to the soul that the "West," the "poor West," has been so gloriously illustrated. How looks the dark browed Cheif of the Massachusetts? [3] And how is the poetical Mr. Storrs.[4] Not even Anti-Masonry could save John Q. Do you

[1] Jackson. [2] Adams. [3] Webster.
[4] Henry R. Storrs, of New York.

think old Hickory can spell Massachusetts. The Cabinet, I want to know something, as Governor Metcalf [1] said, "about how the cabinet is to be filled."

I must tax you, Mr. Williams, Verplanck [2] and Jeromus as follows:

1. John Q's last words and dying speech pamphlet form; [3]

2. *All* the documents accompanying the same;

3. Annual Treasury Report (expected to be superfine). You may divide amongst as you will, but these I must have some how, and any thing else which out of your abundance you can supply. Also you in particular if it can be done without trouble:

Chapman Johnson's address pamphlet form

All the Writings of Henry Lee in this Presidential controversy. For this I will pay you tomorrow or soon by others.

## From Henry Bowen.

Providence, February 4, 1829.

My dear Sir, — In the contest of '24 Mr. Crawford was the choice of Governor Fenner,[4] Judge Eddy,[5] myself and a few others. In our little State however Mr. Adams had an immense majority. We, therefore, who held State offices, found it necessary to temporize, avowing our approbation of the measures of government so far as they contributed to the general welfare. No Jackson party was organized here or pretended to be, until *after* it was ascertained that the General *was elected*, and even now it is very small. If Rhode Island is to support the administration it must be accomplished by enlisting the *old Republican* party, which we are inclined to effect, and shall, if the measures of government admit, as I have no doubt they will. It is the policy of a small State never to array itself against the majority. No one has a more exalted opinion of the General than I have and no one will more sincerely support him.

You may in truth say to the General, that in the war of 1812 I was the only lawyer in Providence who by speech and writing supported it, and this too at the displeasure of my whole family which *you know* was numerous, respectable and influential.

You can also say, that I have been twice elected Attorney General, and nine times Secretary of State *annually* by the *People*, and am again nominated by the Jackson Convention.

If the General concludes not to nominate Colonel Cole, I am strong in the faith that I shall succeed. Our Delegation in Con-

[1] Ralph Metcalf, of New Hampshire.
[2] Gulian C. Verplanck, of New York.
[3] Annual Message to Congress. [4] James Fenner. [5] Samuel Eddy.

gress (with the exception of Mr. Burgess[1] from whom I have not heard) will I have every reason to believe, concur in my recommendation. And I do not believe the General will again nominate the present incumbent, when he reflects that he has already held twenty years, has pocketed at least $50,000, is a foreigner, without family (except a wife) or connexions in this country, and above all that after receiving so liberal a compensation, he still claims a stipend granted upon the *express presumption* that he is poor and destitute — this is really riding the "free horse to the death." You will recollect Colonel C. held the office when the limitation by law was five thousand dollars, and when the India trade was extensively promoted. Now the limitation is 3000, and is not worth I am told to exceed 2000.

However the issue is in the womb of futurity. All I hope is that my friends will exert themselves, and come what may I shall be content. Very truly your Friend,

HENRY BOWEN.

Hon. F. Baylies.

## To ANDREW JACKSON.

TAUNTON, November 17, 1829.

SIR, — I had the honour some months since, to address to you some communications on the subject of the appointments of the General Government in Massachusetts, but as those appointments for the most part (particularly in Boston) were made without regard to my views, I supposed that some malign influence had changed that favourable opinion with which I well know I was once regarded by the Chief Magistrate of the Republic. Under this impression I abstained from all further interference, for I will not obtrude my advice on any one, and I endeavoured as well as I could to conceal the mortification and chagrin occasioned by the general disgust with which these appointments were received.

I have witnessed some remarkable transactions. I have seen with astonishment a Post-Master appointed in this Village from amongst your most determined political enemies, from whom but a little more than a year since I was compelled to hear expressions extremely unpleasant to me, for they were uttered against you; whose most active supporter was a person who was diligently employed, during the late Presidential controversy, in writing articles nearly libellous against me for supporting you. I will, however, do the Post Master the justice to say that I believe him well qualified for his place, obliging, active, and hospitable. Of his hospitality I cannot speak from personal knowledge, and therefore refer to that

[1] Tristam Burges.

celebrated and unfortunate character Tobias Watkins,[1] for he partook of it when on his travels in the North. I have no disposition to disturb the Post Master in his Office. I only mention this appointment as evidence brought home to my own door of some very strange influence, or of some gross deception. Notwithstanding this, I remained silent, and silent I should have remained had not a case recently occurred of a character so flagrant that I think my social obligations as a member of society and as a good citizen compel me to interfere, and at least to try the extent of my influence, for if I have any I should hold myself unworthy of the regard of honourable men, if I refrained any longer from its exercise. A silent acquiescence would justly expose me to the imputation of timidity, ingratitude and a reckless disregard of the public good.

The Collector of Boston has within a few days removed from the office of Inspector of the Customs, worth perhaps 10 or $1100 per annum, the Hon. William C. Jarvis, late Speaker of our House of Representatives. After I had been driven from Congress in consequence of my avowed opinions on the Presidential question,[2] I was honoured by the people of my own Town with a Seat in that Legislative Assembly in which Mr. Jarvis presided. I received from him the most liberal and courteous treatment; and notwithstanding the general prejudices which then prevailed against all who supported you, he had the independence to place me at the head of the most important Legislative Committee. For this act he was denounced in the *Massachusetts Journal*, a paper of which you may have heard, as being the vehicle of many slanders against you, — and so much was his popularity at that time injured by this indication of partiality for a Jackson man, that he came near losing his election as a Senator, when subsequently a candidate for that office in a County where his popularity until that time had been so firmly established, that it was thought impossible to shake it. Throughout the whole controversy for the Presidency his course was tolerant and liberal, and while he fairly supported his own candidate, he was not so reckless of the moral obligation of truth as to deny to the other the more exalted patriotism, or so soured by party rancor as to refrain from acknowledging that he had illustrated the fame of his Country by acts of the most heroic virtue and valour.

Now, Sir, when this gentleman became the victim of persecution

[1] A physician, and until Jackson removed him for peculation, fourth auditor of the United States Treasury. *Memoirs of John Quincy Adams*, VIII. 141, 144, 290.

[2] He ceased to be a member March 3, 1827.

for political offences, for I cannot learn that any other have been charged upon him, and when an appeal had been made to me on questions of fact, could I have remained silent without displaying the most cold hearted indifference to the injuries of one who had exhibited in a remarkable manner his good will to me, and his fairness to you, under circumstances in which most men would have yielded to the violence of that prejudice which then admitted neither excuse or palliation for the slightest deviation from a prescribed course? These are circumstances which test the characters of men. He who can pass through the ordeals of political prosperity and adversity, and exhibit a mild forbearance in one situation and an unyielding firmness in the other, gives some evidence of public virtue. The head of a triumphant party, (as Mr. Jarvis in a manner was, in our State) who could refrain from crushing a political adversary, and could honorably distinguish him before all others, gives more, far more, than those characters who will not trust themselves in the fight when success is dubious, but after the victory, will crowd around the camp to steal the trophies.

The acceptance of this office by Mr. Jarvis occasioned no little surprise. His talents and standing were such as would have justified him in the indulgence of an ambition of a more high reaching character. Such was the estimation in which he was held that but a few years since he received a respectable support for the office of Governor, and amongst his supporters I believe this very Collector was numbered. It is certain that at that time the columns of the *Statesman* were filled with his praises. But he says that he has learned that happy secret the essence of all true philosophy, to expect but little; and to be satisfied with little. That such a man should have consented to serve *under* such a character as David Henshaw, excites my special wonder! That such a man should have been superseded in office by Ephraim May Cunningham, is such an outrage on public feeling, that any Administration which countenances such transactions by sustaining such men will as surely lose the public confidence, as though they had taken their officers from the Penitentiaries; for Cunningham is a traitor to all the obligations of social life, the betrayer of private correspondence, a wretch who has had the audacity to proclaim his own shame, bartered (as I believe) confidential letters if not for money, at least for reward, and has gathered up the vile wages of his infamy from the grave of his father, and who by disclosing the secrets which under the most solemn engagements of fidelity, had been confided to his father by his father's friend and kinsman, the first President Adams, has violated every principle of that chivalrous honor which

holds sacred the reciprocal faith not only of friends, but of honourable enemies.[1]

Sir, I must speak plainly. Henshaw is but little better than Cunningham. That he [is] a liar and slanderer I know. That he is universally odious and contemptible is notorious. That he never embraced your cause until your success was morally certain is equally notorious. That he will betray and desert you, should you experience what I trust and hope you never will experience — the loss of popular favour, — is a moral deduction founded on a knowledge of his character, almost as certain as a fact already ascertained. If he is continued: if he is permitted to wreak his petty malignity upon honorable men for selfish purposes, for no other reason perhaps than this, that some of their connections did not suppose him a suitable person to manage a monied Institution in which they had some interest; if it be the settled policy of the administration to hold out this man to the world as their trusted and confidential friend; the administration will be left without support here, except from those venal sycophants who throng around this "puffed up and petty despot" to obtain offices.

These things I write in sorrow and not in anger. I pray you, Sir, to releive us from this man, who hangs like a mill-stone around the neck of the party and will inevitably carry all your disinterested supporters here to the bottom.

I have neither personal nor party views to answer, except in one way. I belong neither to the *Statesman* or the *Bulletin*, as the Boston parties are called, but I have been steady in my fidelity to the great Administration party of the Union. Nothing but my attachment to the true interests of that party induces me to take this step: — an attachment which has been strengthened by having shared their toils, when struggling in a minority to bring about an event auspicious as I had confidently hoped to the best interests of the nation. I wish to see the party great, respectable and powerful, winning and deserving the confidence of every man of worth in the community: — and therefore it is that I entreat you not to force this man upon us. If none can be found in this State to whom you would be willing to give this office, give us a Collector from another, and we will be satisfied provided he is a man entitled to our respect. I have the honour to be with great and sincere respect your obedient servant,

FRANCIS BAYLIES.

The President of the United States.

[1] *Correspondence between the Hon. John Adams and the late William Cunningham*, printed in 1823. See *Memoirs of John Quincy Adams*, VIII. 181, 393.

## To Charles E. Dudley.[1]

Taunton, November 17, 1829.

Dear Sir, — Although I have not the honour of an intimate acquaintance with you, yet through the medium of common friends in the State of New-York I have acquired such a knowledge of your character as emboldens me to ask you to use your influence to prevent the confirmation of David Henshaw as Collector of Boston. He is so universally odious and contemptible, that if he is confirmed the cause of the administration is hopeless in this State, and the struggle to sustain it may as well be relinquished. In the exercise of his power he has been so reckless of public opinion, so impolitic, so malignant and so selfish, that there is an universal outcry against him. I trust it cannot be the purpose of this Administration to place a petty and contemptible despot in office to enable him to wreak his personal malignity upon individuals, and to fill all his subordinate offices from amongst his own toad-eaters, wholly regardless of the great interests of the party to which he professes to belong. I write this to you, Sir, in confidence, and I hope the urgency of the case will furnish my justification with you for the liberty I have taken. I am with much respect, Your obedient servant

Francis Baylies.

## To Hugh Lawson White.[2]

Taunton, November 17, 1829.

My dear Sir, — I take the liberty to enclose to you a copy of a letter which I have addressed to General Jackson. I have taken this liberty, Sir, because you know personally whether I have any claims to the confidence of this administration or not. You, Sir, know my fidelity under trying circumstances, but you do not know nor never can know the extent of my sacrifices; I will not enlarge on them. In my opinion the vilest deceptions have been practiced, or else the cause of the administration would never have been placed in such hands as it has been. If this Henshaw is sustained, we may as well relinquish all attempts to sustain the Administration here. Such attempts will be hopeless. I write in confidence and with the best intentions. I would have written to Mr. [Levi] Woodbury the only administration Senator from New England, but report says that some family connection of his is expecting a place in the Custom House through the patronage of Henshaw. I

[1] A senator from New York. [2] A senator from Tennessee.

do hope, Sir, that the President will not persist in forcing upon us a character so universally odious. Believe me, Sir, to be yours, with the most sincere respect and esteem,

FRANCIS BAYLIES.

## TO LITTLETON W. TAZEWELL.[1]

TAUNTON, November 17, 1829.

MY DEAR SIR, — Perhaps I am taking a great liberty, but if I am, I must rely on a quality of which I know you to possess an abundance for my excuse.

I take the liberty, Sir, to enclose to you a copy of a letter which I have addressed to the President on a local subject. I ask you to consider it with the same spirit in which you consider all questions — the spirit of a man of honour.

The conduct of David Henshaw, Collector of Boston, is so stupid as well as malignant, that he contrives by every act of power which he exercises to make an hundred enemies to the administration and no friends. There was, I know, a general disposition amongst our more sober-minded and respectable citizens in this quarter, at the time General Jackson came into the Presidency, to sustain his administration, and to ask nothing from him but a selection from his own party of their most respectable men to fill the offices which should be vacated. Some removals they expected, and they acquiesced in the political necessity which, it was supposed, rendered such a course unavoidable; but they cherished the hope that the hand of reform would not seize upon such as gained their daily bread by their daily labour, and [take] them from employments to which they were fashioned by habit, and compel them to seek other modes of livelihood for which they had lost the *tact*.

You have a specimen of the ruthless conduct which has been pursued at Boston in the communication which I have made to the President, and I again ask of you as a man of honour, whether this Collector ought to be sustained and countenanced by the administration. I know, Sir, that the meanest artifices will be used to produce an impression that I am seeking this office, but I certainly should hesitate a long time before I took it, if it was offered, disgraced as it has been in this man's hands. I certainly have no craving desire to possess it, and would with pleasure see it [in] the hands of *any* man of honour. He has represented me as having pushed my claim on this office by direct application. Neither the President or the Cabinet or either of them can say that I applied

[1] A senator from Virginia.

to them for any office. No friend of mine, no mortal can say, that I ever authorized them to make application in my behalf. One of the objects of my journey to Washington last spring was to prevent the state of things into which we have now fallen, and to endeavour to render the pressure of the hand of power as gentle as practicable. I had incurred some responsibility, and had given many assurances, in which I thought myself warranted, that the course of the Administration would be liberal and magnanimous. If this petty despot is suffered to wreak his petty vengeance upon men more respectable and deserving than himself, because he was dismissed from the direction of a bank a transaction in which they had no agency, and thus sacrifice the substantial interests of the party to which he professes to belong, to the gratification of his own malignant temper, he will leave the Administration without a supporter amongst the people here. It certainly appears to me to be better for them to gain the good will than the ill will of any State, even if the opposing State should be Massachusetts. I have written to you, Sir, confidentially and truly. . . .

Permit me with the most sincere respect to subscribe myself your friend,

FRANCIS BAYLIES.

## TO EDWARD LIVINGSTON.[1]

TAUNTON, November 20, 1829.

MY DEAR SIR, — If it be wrong to say a word to you on a subject about which you *may* be called to act in the Senate of the United States I must look to your charity for my excuse, and rely on the correctness of my motives for my justification. A David Henshaw has been appointed Collector of the Port of Boston. This appointment must have been effected by much deception, and a very false estimate must have been put on his character and on the weight of his influence. This circumstance has had a paralyzing effect upon the exertions of the disinterested friends of General Jackson in this State. The administration is now judged only by its appointments, as general measures have not as yet furnished the material either for praise or censure, and it is requiring too much of any honourable friend of the administration that he should justify their appointments. You must understand, Sir, that I belong to neither of the parties in Boston known by the names of the *Statesman* and the *Bulletin*, but consider myself in no other light than as one of the great administration party.

This Henshaw has already contrived to render himself so odious

[1] A senator from Louisiana.

and contemptible to all here (except a little knot of miserable blackguards who expect little places through his patronage), that the *hue and cry* of the whole community begins to pursue him. He acts like a hog in a clover field and seems to think that his whole business is to feed and to root.

You know my whole course during the late controversy, and you know whether I ever deserted the banner or ever faultered in one instance in my fidelity to the party with whom I was associated, and you may therefore judge whether I have the interest of the administration party at heart or not. I understand that this man and his partizans is supposed at Washington to represent the old democracy of this State. Ten years ago I did not know that there [was] such a man in existence. You may therefore judge of his standing with the Democratic party. The men with whom he is associated were never known at all until they were hauled out of their mud holes since his appointment to the Custom-House.

The descendants of Samuel Adams, the Austins and the Jarvisses to a man, as I believe, hold him in utter detestation and contempt. He has lately displaced the Hon. Wm. C. Jarvis nephew to the celebrated Dr. Charles Jarvis, a gentleman of talents, popular eloquence, and one who has received many distinguished marks of popular favour, from a little office in the Custom House worth $1100 per annum, and has supplied his place by one Cunningham a Federalist, but a vile one, who betrayed confidential letters as I believe for money, and violated every principle of that honourable faith which even honourable enemies respect and without which the world in all its moral relations would be disorganized. Do you think that such a character who would sell his father's good name would be inaccessible to a bribe? Another Federalist, John B. Derby, was appointed by him to the office of Inspector, but he refused the office, through pride I hope, but I do not know. Another Federalist, Sam. C. Phillips, through the instrumentality of this man as I understand, has been appointed Collector of Newburyport. Through the agency of him and his tools another Federalist has been appointed P. M. in this Town, and yet I understand that the doctrine which he maintains is that none but democrats are entitled to office. The fact is that every miserable creature in the community, the refuse of both of the old parties who can so far debase themselves as to submit to be his tools, are taken up by him with avidity and the sin of Federalism is in reality to be visited upon only one, upon me alone, and that by the hand of General Jackson!!! To effect this he has pursued me with slanders and lies.

He represents every where that I solicited the office of Collector

of Boston. It is a lie. I can prove it by General Jackson and every member of the Cabinet.

He represents me as having meanly endeavoured to obtain credit for writing a series of numbers in the New York papers during the Presidential Controversy with a view to aid the election of Gen. Jackson, which were finally embodied in four pamphlets, and which were not written by me but by my Brother.[1] Now, Sir, I appeal to General Wool and Mr. Verplanck, to whom they were transmitted, and to the Editor of the *Albany Argus*,[2] by whom they were published, to say whether I ever endeavoured to obtain any credit at all for them, and whether it was not my request that the author should not be disclosed, and whether the disclosure was made either by my consent knowledge or suggestion; and further as to the one called The Contrast, to which Henshaw applied his observations, I wrote every word of alone, without communicating with any one, and my Brother never knew of it until I shewed it to him in the *Albany Argus*. As to the others they were shewn to him but he supplied not a word, some three or four words were omitted at his suggestion, and the structure of one or two sentences altered, but his emendations were merely verbal. He has represented me as a Hartford Convention Federalist. Now, Sir, if I had been a Hartford *Convention Federalist*, I should not think the sin might be remitted to me under the circumstances. When that unfortunate measure was adopted I had been admitted to practice a little more than four years, was a young man and not in political life and could act not otherwise than by expressing opinions on measures as they came out, amongst those with whom I happened to associate. But it so happened that I found myself at that time in the same situation here as I have found myself three or four times since, *i. e.* for none can say that the measure of assembling a Convention at Hartford was not extremely popular at that time in this State, but yet my opinions were decidedly against it. Of this I can bring proof Federal and Democratic as to my opinions which were expressed openly: but of what consequence was my opinion? I was a young man without influence, and could manifest in no other way my opinion than by expressing it in the circle in which I was placed. I give you these as a sample of the lies by which the only man in this State who sacrificed station, popularity and business prospects, to support General J. has been pursued by a fellow, I believe, at the time when I was the marked man who uttered foul abuse against him. Now, Sir, I do say that if this man is sustained, if the belief becomes universal in this quarter that he is a trusted

[1] William Baylies. [2] Edwin Croswell.

and confidential friend of the Administration, we may as well give up the attempt to sustain them in this State, to do which there was before his appoint[ment] a strong inclination. I am warranted in saying that I speak the feeling of the Community when I say, he is utterly odious and contemptible. . . .

Accept my best wishes for your health and prosperity, and believe me to be with great respect, your friend and servant,

FRANCIS BAYLIES.

## To JOHN E. WOOL.

MY DEAR GENERAL, — Yours of the I have received and most warmly accept the tender, and reciprocate the sentiment.

You mention writing several letters previous to your last. I received but two, one written just before the commencement of your tour to the Lakes and one after your return. The reason why the first was not answered, was this, I knew you was gone from home. The reason why the second was not immediately answered is this — I am afraid of the *P. O's* [1] at this time I therefore sent my answer by William Crocker to be placed in the N. Y. Office.

Now I am about putting your friendship to the test, for since I have seen you I have engaged in an affair which I should never of myself have attempted had it not been for circumstances mentioned in the enclosed copy of a letter which I have written to the President the original being contained in the enclosure directed to him. This you see is the death struggle between me and Henshaw and is a bold experiment on the Character of the Chief. It will be received exactly according to the degree of prejudice which exists in his mind. If these scoundrels have poisoned it he will be excited with anger; if not he may be disposed to search for the real truth. At any rate after an appeal of this character has been made to me by the late Speaker Jarvis, who has manifested peculiar good feeling towards me, I should be a rascal did I not attempt at least to save him, and it can be done in no other way than by prostrating Henshaw. That is the object we wish to effect. There can be no compromise. The affair is submitted to your care so far as that you *with your own hand* will deliver the letter for him, and with your own hand the several letters to Mess. White, Livingston, Judge Smith [2] and Mr. Tazewell. Thus you see I have now got into my hands this tangled webb, whose threads I am endeavouring to take up.

The democratic part of Adams' supporters have now thrown

[1] Post-offices. [2] Samuel Smith, a senator from Maryland.

themselves upon me, and appealed to my sense of honour [and] gratitude, by the special obligations, and in short every feeling which ought to regulate one who means to be a good citizen. The active and business Federalists have done the same. The *Bulletin* party have done the same. The Dons hug their wealth, and take but little interest in passing events. The people are to be appealed to, and I am assured from every quarter that the character of Henshaw is viewed with detestation and contempt by all, and that 1500 names of the most respectable of the men of business in Boston will be attached to the remonstrance for his removal. The clamour is now general for my appointment from political friends and political enemies, Federalists and Democrats. I have told them to confine themselves to a single object, the removal of Henshaw. A good general never has but one object, and that is the main one. Every thing else is left to your discretion whether to interfere personally or not, *but the letters we entrust to you.* I wish I could write a connected history of the whole movement and of the manner in which I became engaged, but it is impossible at present. You will see from the copy of the letter to the President the nature of the attempt. This fellow must be prostrated or all who compose this administration will be prostrated here. They have gulld both Calhoun and Van Buren. And unless both can get rid of them, the State of Massachusetts is dead against them. Perhaps it may not be for Clay if the system is changed. One other copy of the letter is enclosed to Judge White of Tennessee in whose honour and sagacity I have great faith. I wish I could forward to you copies of all the letters which I have written to the Senators but have not time.[1]

[*Unfinished.*]

[1] He appears to have written to nineteen members of Congress on this subject. Some of his reasons against writing to others were:

"I should have written to Mr. Woodbury but I cannot satisfy myself as to the relation between him and Henshaw. It has been confidential but I now believe there is bitter enmity — yet it may be confidential again.

"I should also have written to Colonel Benton with whom I have ever maintained a relation of the most friendly character, but Colonel Benton brought Duff Green from Missouri.

"With Governor Dickerson my relations have been the same; but I cannot tell how far he may have imbibed the notion that Henshaw has superseded the descendants of Samuel Adams, the Austins and the Jarvisses, as a representative of the old democracy of Massachusetts. He should be undeceived but perhaps I am not the best person to do it.

"To Mr. Dudley of N. Y. I should have written, but cannot ascertain the extent of the political connection between Van Buren and Henshaw.

"To Colonel Hayne of S. C. I should have written, for I know Hayne to be a man of intellect and honour, but I am not exactly [certain] how far he would go to sustain Mr. Calhoun to whom he is devoted."

## To John W. Taylor?[1]

Boston, January 29, 1830.

My dear Sir, — Yours of the was received in due season, and also two documents since. The letter of which you speak was entrusted to a private conveyance, and that is the reason why it was not sooner received by you. Be pleased, Sir, to accept for these and for many other testimonials of good will and friendship my most grateful acknowledgments. I hope you will continue your favours, and enlighten me as to the true state of affairs. You must know that I am singled out by a desperate and contemptible knot of political adventurers as a mark for calumny, secret detraction and secret persecution, and of all the friends of General Jackson in New England, I alone have positively suffered in the cause, and am in a worse situation than I was before. It was very easy for me to have retained my seat in Congress had I yielded to the multitude and swam with the current, but I had something which is called principle or which I thought was principle. Mr. Adams I knew well and therefore it was that I could not support him. General Jackson I thought I knew, and therefore it was that I supported him.

If from your more important avocations you could sometimes snatch a few moments and favour me with your views on current events, you would do me an essential favour. I have not seen Mrs. Baylies since the receipt of your letter; for although I live but a short distance from Boston, yet I have been for the last ten days tied down in our Legislature trying in my humble way, to prevent what I think a ruinous attempt, which may involve our State in many calamities. We are infected with the epidemic madness of the times and without a dollar in the Treasury or any solid resources. A scheme of internal improvement is thrown upon us, involving an expenditure of ten millions which is supported by the principal political characters of the State. None are averse to projects of improvement, but we wish to commence moderately and to shape our efforts according to our means. This has prevented me from returning. I shall, however, return tomorrow, and will in due form present your remembrances to her.

Should you have leisure to comply with my request please to direct to Taunton.

Be pleased Sir to accept my best wishes for your health and prosperity. Remember me kindly to Miss Taylor, and believe me to be, with sincere respect, your Friend and obedt. Servt.

Francis Baylies.

[1] M. C. from New York.

## To William Baylies.

Taunton, February 9th, 1834.

My dear Sir, — From mere ennui I went to Boston last Tuesday, and remained until Saturday. There is nothing very interesting to relate of the Tremont. Old Boyden eats devilled Steaks for supper, and I got into his mess. Dwight Boyden [1] has got married and Stetson has got back. Old Whitney [2] is laid up with the gout, and Munson "een tho vanquish'd he can argue still." [3] Reed [4] soaks a little, George Perkins not so much and is very benevolent. The pride of the navy has the handsomest sleigh in Boston, and Poppet looks divinely. Bates has married Mrs. *Killman* and grows rusty. Chapman [5] is down to attend the General Court, with his fascinating wife and beautiful little girl; his next boy is to be called William Baylies. My friend Slacum who is here sports Harriet against the world, and declares as I understand in all companies that she is the most wonderful child in both the America's like Gen. Wheeler's song

> As for beauty and good sense,
> She does exceed to the extent.

He had Gen. Sullivan's son John to dine with him on Friday, who I think one of the most wonderful characters in America. His personations of Uncle Ben and other Yankee characters, Mr. Kemble and Mr. Wood pronounce to be far superior to those of Matthews. On the guitar and piano he is great, in singing greater, and Garrick himself would have been puzzled to have better personated George Blake [6] when reading a newspaper at the Suffolk, his rising to spit in the fire, and his comments, etc. Col. Dwight goes the entire animal Kitchin Cabinet and all, and makes better speeches than any man in the House. Saltonstall seems as Tillinghast did one day after dinner when he was for taking up the line of march for Washington.

Dr. Barstow [7] and Mr. Byers,[8] two '98 democrats and Senators

[1] Dwight, Frederick and Simeon Boyden were connected with the Tremont House at this time.

[2] Josiah Whitney, merchant, then living at the Tremont House.

[3] Israel Munson, merchant. *Ib.*

[4] John T. Reed, of Faulkner and Reed, English goods. *Ib.*

[5] Henry Chapman, of Greenfield, Mass.

[6] A prominent Boston lawyer and politician, and for many years United States District Attorney. He died in 1841.

[7] Gideon Barstow, from Essex County.

[8] James Byers, from Hampden County.

of Mass., now swear there is nothing so odious as democracy, that money and talents ought to make Aristocrats, and Aristocrats thus made ought to control public opinion. Comment, both are very rich. Even Col. McKay doubts whether democracy helps a man much after he is 40 years old.

Shaw says he is willing to play second fiddle to no man but Wm. Baylies, under him he is willing to be Lieutenant Governor.

Miss Fanny Kemble is delighting the public, but her lover Peirce Butler looks sneaking.

Old Daniel Davis[1] thinks Speaker Calhoun Speaker of the United States.

A duel has been fought or acted on old Moses Brown's farm, and the moral and religious people on this subject are *enragées*. The quarrel grew out of a woman, Miss Marshall, sister to Otis's wife.[2] She was here a short time ago on a visit to Harrison Pratt. No body here would have fought a duel with gravel stones for her. One party was one of the Marblehead Hoopers and the other a young Jones from North Carolina,[3] who has been collecting authorities here for a history of North Carolina of which State he is Secretary and has written a life of Gaston. I would as soon undertake to write a history of Pawtucket as North Carolina, but the duel of a distinguished son had it not been bloodless, might have made an incident, — the second forgot the words!

The Antimasons are now High Church and Low Church. A serious Schism has taken place from the great desire amongst some of their leaders such as Pliny Merrick,[4] etc., to get Governor Lincoln[5] into Congress, which will be effective. Mike Ruggles[6] and Hallett[7] are for war to the knife and war to the hilt. 'Tother day, Mike called little Allen[8] of Worcester, another Antimason, a little

[1] An eminent lawyer, at one time solicitor of Massachusetts. He died at Cambridge in 1835.

[2] Emily Marshall, often called the "beautiful Miss Marshall," married William Foster Otis. She was daughter of Josiah Marshall.

[3] Joseph Seawell Jones, of Shocco, North Carolina. An amusing account of this "duel" will be found in George N. Evans' "Reminiscence of Joe Sewall Jones," in *Publications of the Southern History Association*, x. 144. Cooper is there given as the name of his antagonist. Another and different account is in R. B. Creecy's "What I know about 'Shocco' Jones," in Series II of the *Historical Papers*, published by the Historical Society of Trinity College, Durham, N. C., 31.

[4] 1794–1867.

[5] He succeeded John Davis, who had resigned his seat in Congress.

[6] Micah H. Ruggles, of Troy, Bristol County.

[7] Benjamin F. Hallett, editor of the *Daily Advocate*.

[8] Charles Allen.

dog and bark'd at him in the General Court. The Antimasons of this County say they are sick of Mike.

Money, money, money is the constant cry.[1] One day I went into State Street and met Buckingham [2] after money. He wanted $100, and declared he did not know where to get it. John D. Williams [3] was the next, and he had turned all his ardor into another channel, forgot Antimasonry, and seemed fully persuaded that the Administration were worse than the Masons. I went into the City Bank to sit a while with Williams.[4] While I was there, six or eight came in with the best of paper as they said. Very sorry, sir, we cannot accommodate you, sir; we have no means, was the unvarying response. Our old friend from Norton [5] is at Boston and has plunged *in medias res*. He gets 16, 18 and 20 per cent. His son in law, Dr. Strong [6] (a sharp one), operates for him. He certainly will fetch 90 and possibly 100. Williams says money is constantly coming in from the country. Hoards long hidden from the light are brought out and placed *on good security*, on an interest all the way from 12 to 20 per cent. Truly if this is a battle between the poor and the rich the rich will gain it. John A. Parker was compelled to exhibit; he shewed $687,000, after meeting *every* liability. The joint security of Nat Russell with Barna. Hedge and N. M. Davis was doubted for a while.[7] One says, Old Hickory ought to be hung. Another says, Old Hickory would be honest if it was not for that damd, sneaking, Kinderhook, *low* dutch Jacobin of a Van Buren. A third is for a *rising*. A fourth says, the Union an't worth a damn. A fifth says, suspend specie payments. Another says, Calhoun and McDuffie [8] are great men, and true patriots. Another says, their nullification is all a humbug and ought to be forgotten: — the nullifiers are the best men we have. Damn the pet bank, says another, and all the feather merchants and brimstone traders, and the Kitchen Cabinet, head and tail. Another says, hang Taney, Amos Kendall, and Whitney side by side. When the news of Knower's [9] failure came, there was a general whira!

[1] The letter was written during the disturbances that accompanied Jackson's attack on the Bank of the United States, and his experiments in government deposits.

[2] Either Joseph T. or Joseph H. Buckingham, editors of the *Boston Courier*.

[3] A wine merchant at 33 South Market street.

[4] Probably Eliphalet Williams, the cashier of the City Bank.

[5] Daniel Wheaton (1767–1841).

[6] Dr. Woodbridge Strong.

[7] All of Plymouth.

[8] George McDuffie, of South Carolina.

[9] Benjamin Knower, of New York. Van Buren was not involved in the failure.

Damn the Regency Bank. Van Buren must be on his paper. I hope the whole will go and the whole string of western regency Banks.[1] Oh tis glorious says one who reads Shakespeare "to see the Engineer hoisted with his own petard."

I wish the Government would tell the American people whether they approve or condemn my conduct at Buenos Ayres.[2] I take it for granted that they are now convinced that they will have no Minister from there. A fair field and the whole told. I ask no favors. I have the President's approbation signified to me officially by Mr. Livingston,[3] and yet it would seem as though they were keeping me in reserve to act with me according to circumstances. We are all well, and all send our love to yourself, General and Mrs. Wool. Yours allways,

FRANCIS BAYLIES.

Remarks were made during the meeting by Messrs. NORCROSS, HART, DAVIS, RHODES, and DANA.

[1] A reference to the Albany Regency, and to the banks favoured by being made depositories of the United States revenues.

[2] He had been chargé d'affaires from January 3 to September 3, 1832.

[3] Edward Livingston.

## DECEMBER MEETING.

THE stated meeting was held on Thursday, the 14th instant, at three o'clock, P. M.; the first Vice-President, in the absence of the PRESIDENT, in the chair.

The record of the last meeting was read and approved; and the Librarian read the list of donors to the Library during the last month.

The Corresponding Secretary reported the receipt of a letter from Gamaliel Bradford, Jr., accepting his election as a Resident Member.

The Cabinet-Keeper reported gifts from the estate of Mrs. William B. Rogers, of a photograph of a group of members of the Society taken in 1855, and a woodcut of Thomas Savage, who came from London to Boston in 1635; from Edward Webster Foster, of New York, of a reproduction of a silhouette of Samuel Foster, a member of the Boston Tea Party, and captain in Colonel Greaton's Massachusetts regiment in the Revolution; from Katharine Norton Lewis, of Boston, of a silver Mexican dollar of 1861, and a carved walrus tusk.

The Editor reported gifts of manuscripts as follows: from Miss Mary P. Nichols, of Boston, ten letters and manuscript sermons, all but two belonging to the seventeenth century, and including such names as William Brattle, Josiah Cotton and Shubael Dummer; from Archibald M. Howe, twenty-eight pieces, being letters of James Murray and others, and seven letters of William Hooper, signer of the Declaration of Independence; from GRENVILLE H. NORCROSS, a letter of Nathan Fiske (1787), and a manuscript sermon (1757–1787); from Mr. WENDELL, a notarial register, 1758–1766, of maritime causes, replete with valuable information upon the trade between New England and the West Indies, the mercantile customs and casualties in time of war, and the controversies and cargoes arising from the commerce.

The Editor also communicated a memoir of Josiah P. Quincy, prepared by Mr. HOWE.

The Vice-President announced the appointment, by the Council, of Mr. BRADFORD to fill the vacancy on the Committee of Publication of the Bradford History.

Justin Harvey Smith, of Boston, was elected a Resident Member of the Society.

The Vice-President remarked that, by the election of Mr. Smith, the list of Resident Members of the Society is now full, as are also the lists of Honorary and Corresponding Members. This condition of membership in the three rolls has not existed for a long period of time.

Dr. GREEN then read the following paper on

## RECOLLECTIONS OF THE REBELLION.

Agreeably to the suggestion of Mr. Adams that I should give at this meeting my recollections of Messrs. James Murray Mason and John Slidell, and other prisoners confined at Fort Warren, near the beginning of the War of the Rebellion, I will try to do so, though they are dimmed by the mists of time. These reminiscences, in the main sifted through the lapse of half a century, are both few and faint, but certain incidents were impressed in detail so deep in my memory that a lifetime is not long enough to forget them.

During the War I witnessed many events that have become of historic interest, but from the want on my part of a due appreciation of their influence on the great questions of the day, I paid little attention to them at the time of their occurrence. But not so in my intercourse with the two commissioners of the South, whom I met several times a day in a social and informal manner. They both were gentlemen of education, and of great political prominence in their section of the country. While I could not smooth the roughness nor in any way soften the asperities of the situation, I had it in my power in some slight degree to relieve the friction that necessarily existed. All parcels sent from this city to the Fort, particularly such packages as were supposed to contain bottles, were examined by a proper officer at the landing where the steamer came twice a day, bringing food and other necessary articles for a

large number of men. Anything addressed to me or the Medical Department — of which I was then at the head — was passed without delay or examination. I knew that the commissioners, while leading their customary life, used stimulants which cheer but not inebriate, when taken in moderation; and I felt it to be my social duty, as well as professional, to keep them in their usual and regular habits.

In going my rounds each morning I used to make a long visit in their quarters, as I took much pleasure in talking with them. Often I would spend an hour there. They both had been United States Senators and had seen much of public life in Washington and elsewhere, and were familiar with the great questions of the day. While they were rampant rebels, and never ceased in their violent denunciations against the government, for unaccountable reasons I enjoyed my relations with them. Perhaps it was the fascination exerted by two men, then very much in the public eye, over a young man who had never before heard treason talked so openly and who at that time was studying the question from a student's or a psychological point of view.

I remember that Mr. Slidell once mentioned to me that he was a Northern man by birth, and that he was educated at a Northern college, at which I was somewhat astonished. This statement I found, later, to be strictly correct; though a few years after graduation he removed to Louisiana, where he became eminent as a lawyer and prominent as a politician. He was always an ardent supporter of the doctrines of State-rights, and he declined a cabinet appointment under President Buchanan. I remember well he told me one morning that, just as soon as the English government heard of the "outrage" — as he called it — on the steamer *Trent*, the authorities in London would demand the immediate surrender of the two commissioners with an apology from the American government for the act. If this demand was not complied with at once by the authorities here, war would be declared by Great Britain. He said furthermore that he expected by the beginning of the new year to be on his way to England, together with Mr. Mason, his colleague, after being released from the Fort by orders from Washington. If war was declared by England, a naval force would be sent to our shores, and the blockade along

the Southern coast would be raised in less than six weeks; and then the Confederacy would become an acknowledged fact. He thought that Mr. Lincoln's administration would foresee this state of affairs and release them at once.

To all this I listened attentively and respectfully, but made no reply. I had no knowledge of international law, and I could give no satisfactory answer to his statements. The newspapers, however, were discussing the question freely, and their columns were full of leaders on the subject. So far as I had any opinion on the law, it was gained from the public prints; and, of course, that was not the view taken by the commissioners.

The newspapers hereabouts very generally, unanimously so far as my recollection goes, upheld the stand taken by Captain Wilkes, of the *San Jacinto;* and they reflected accurately public sentiment in the matter. A complimentary dinner was given at the Revere House to Captain Wilkes and his officers, at which the Governor of the Commonwealth, the Mayor of the city, and the Chief Justice of the Supreme Court, together with other prominent citizens, spoke and all warmly applauded the act of Captain Wilkes. They seemed to vie with each other in giving praise to the daring naval officer and in bestowing compliments on him.

During the next few weeks, however, I noticed that Mr. Slidell's prediction came true. This was owing to the foresight of Mr. Seward, which involved a master stroke of diplomacy on his part. When the demand was made by the English government for the surrender of the commissioners, the Secretary of State in substance replied, that they should be liberated most readily, and that our action in this matter was in accordance with principles which the United States had always held and long maintained. He furthermore said that it was a matter of special congratulation that the British government had disavowed its former claims, namely, the right of search of foreign vessels in time of peace; and that it was now contending for what the United States had always insisted upon.

At this juncture the United States was in a tight fix. If Mr. Seward had not taken the course he did, the alternative was war with England, and the raising of the blockade of the Southern ports. This meant success for the seceding States. He displayed great wisdom in his policy. He showed that his

action in this matter was entirely consistent with the great underlying principles long held by the American government; and thus he forestalled the criticism that was sure to be made by his own countrymen.

It so happened that some years previously I had known Mr. Slidell's secretary, George Eustis, in Washington, when he was a member of Congress from Louisiana. His father was a native of Boston and a nephew of Governor William Eustis. As George Eustis was now held in military custody, I tried to make his position as agreeable as possible under existing circumstances. We talked of our former acquaintanceship; and our present relations under unforeseen conditions were mutually respected.

It also happened that I had had a slight bowing acquaintance with Mr. Mason's secretary, James Edward Macfarland, who was a student in the Harvard Law School, where he took his LL.B. in the Class of 1849, while I was an undergraduate in college. It seemed to me very odd and strange that the exigencies of war should have brought together, now under vastly different circumstances, three chance acquaintances of a former period within the solid walls of a strong fort, but such is the whirligig of Time, and the irony of Fate!

The membership of the college as well as of the professional schools then was much smaller than it is now, and the intercourse between the young men of the various communities correspondingly closer than at present. The classes nowadays are more than ten times as large as in my day; and the disparity in numbers accounts for the greater intercourse at that period. Under the present circumstances it was my pleasure as well as duty to smooth the rough places and to soften the hard spots that lay in the paths of these two young men. They were fresh from Cuba, and well supplied with cigars — genuine Havanas — and I could supplement an evening's entertainment with other luxuries in keeping with the occasion. It was pleasant for me to do so, and presumably for them also.

So far as my knowledge goes, these prisoners never complained of the restraints under which they were held. They were allowed opportunity to take air and exercise as their health required; and they were permitted to write and receive unsealed letters, which were examined by proper officers, who were to

see that they did not contain seditious sentiments. Personal intercourse with outsiders was not allowed except by permission from the authorities in Washington.

Less than two years later I was brought often into personal contact with Lieutenant D. M. Fairfax,[1] who had taken the two rebel commissioners from the English steamer *Trent*. In the early spring of 1863 my regiment (the 24th Massachusetts) had occupied Seabrook Island which commanded Seabrook Inlet, sometimes called North Edisto Inlet, very near Charleston harbor, subsequently a place of rendezvous for half a dozen monitors which were to take part in the assault on Fort Wagner and Fort Sumter. During the month of June, a hot season off the coast of South Carolina, life on an iron-clad was as uncomfortable as it could well be, and in any description of the weather it might be compared to what Sherman said war was. In consequence of this extreme heat the naval officers passed much of their time ashore, where I met them often. Of the several commanders one was Fairfax, now in charge of a monitor. In our frequent intercourse we spoke of the *Trent* episode, but never spent much time on the subject, as it was then a back number.

On another occasion I dined at the same table with Charles Bunker Dahlgren,[2] eldest son of Rear Admiral Dahlgren, who in a ship's cutter accompanied Lieutenant Fairfax, going from the *San Jacinto*. In this way I heard anew the description of the scene which took place aboard the *Trent* when the commissioners were transferred.

After all, the world is rather small, and one is apt in any quarter of the globe to run across somebody he has met somewhere or has known before. But Mason and Slidell were not the only men of distinction who were in custody at the Fort. There was Mr. Charles James Faulkner, who had been United States Minister to France, where he was appointed by President Buchanan. He had been prominent as a politician in Virginia and a member of Congress from that Commonwealth. He was a man of education and refinement, and an agreeable person to meet. It was said that he had influenced the French emperor to sympathize with the South in their struggle, for which reason he was recalled by President Lincoln. On his return to

[1] Donald MacNeill Fairfax. [2] Died, January 10, 1912.

this country he was arrested as a disloyal citizen and confined in Fort Warren. At a later period he was exchanged for a member of Congress, Alfred Ely, of New York, who had been confined in Libby Prison, at Richmond, after his capture at the first Battle of Bull Run.

Other political prisoners were George W. Brown,[1] Mayor of Baltimore, Governor Charles S. Morehead,[2] of Kentucky, and Marshal George P. Kane,[3] of Baltimore, all prominent in the early days of the Rebellion as sympathizers with the South, but who lived to see their hopes crushed. There were also a thousand men, more or less, who had been captured at Hatteras Inlet, when the two forts there had been taken. They were about as motley a crew as could easily be collected, varying in their ages from sixteen to sixty years. Their clothing was anything but uniform, and in their appearance might well be compared to Falstaff's soldiers near Coventry. These men, I remember, were very proud of the name "rebel," and wished to be known as rebels. They never would give up the struggle and were ready to die in the last ditch. During the campaign of the next year in North Carolina, after some of the battles and skirmishes in that State, I met several of these men again who had been duly exchanged for Union soldiers held by the rebels as prisoners.

During the time of my service at the Fort I received a note from a distinguished citizen of Boston,[4] and a member of this Society, whose loyalty to the government was undoubted and whose liberality was unlimited, authorizing me to buy for Mr. Eustis anything needed for his comfort or pleasure. After the receipt of the note I called on the writer and told him what in my opinion would be most acceptable to the gentleman in question, who in this matter represented the group from the *Trent*. I was then given a *carte blanche* to procure whatever was wanted by them and to distribute the articles as I saw fit. In

[1] George William Brown, who served as mayor less than one year, having been elected on a "reform" ticket. He was one of the Founders of the Maryland Historical Society in 1844.

[2] Charles Slaughter Morehead (1802–1868). He resided in England during the war, and passed his last years on his plantation near Greenville, Mississippi.

[3] George Proctor Kane (1817–1878), a merchant, who had been collector of customs at Baltimore. He was mayor of the city at the time of his death.

[4] William Appleton.

accordance with these liberal instructions I bought fruit, flowers and other luxuries that were conducive to their comfort or pleasure; and at the same time I was careful to let the recipients know the source of the bounty.

While there was not one drop of blood in my veins sympathizing with the attempt to break up the Union, I did feel a sort of compassion and pity for these prisoners, — they were men of education and refinement, and now bereft of all the pleasures that go with Thanksgiving cheer; and I tried to treat them as I would have wished my friends to be treated in a similar situation. It was a source of some satisfaction to me that I was able to enliven in a slight degree the tedious hours of their monotonous life. When I took my leave of them, they wished me health and happiness; and I watched the outcome of the arrest with much interest. The two commissioners died within a few weeks of each other some years after the end of the war.

The two following papers are copied from the Executive Letter Files at the State House; and they give the reasons why the 24th Massachusetts Volunteers were ordered to Fort Warren:

September 28, [1861.]

Colonel Thomas A. Scott,
Assistant Secretary of War, Washington, D. C.

SIR, — I am instructed by His Excellency Governor Andrew to acknowledge the receipt of your communication of 24th inst., and to state that Massachusetts is now organizing eight regiments of infantry, one of cavalry and three batteries of artillery, besides which recruiting is going on here for the regular army to fill vacancies in the regiments from this State now in the field and for the regiments of other States.

The Governor is therefore anxious to avoid any steps which might delay the filling up of these regiments by starting any new organization at present, and if a company is to be raised especially to guard the prisoners at Fort Warren it would in effect take so many men from these regiments.

It would seem to him moreover that raw recruits entirely undrilled and undisciplined ought hardly to be entrusted with this delicate duty. And again one company could not furnish a sufficient guard, with the proper relief, for so large a work: as when it was garrisoned by Massachusetts volunteers a whole company was required for the guard each day.

The Governor therefore would suggest that instead of raising a new company for this duty he should be allowed to place in Fort Warren one of the regiments he is now raising. The 24th Mass. Volunteers, Colonel Thomas G. Stevenson, would answer admirably for this duty. Colonel Stevenson was in command of Fort Independence, Boston Harbor, for two months last spring, and distinguished himself by the neatness, order and discipline he enforced as well as by the drill of his battalion. This battalion is being now increased to a regiment — it numbers at present but 400 men; but these are well uniformed, equipped and drilled, and commanded by officers who are gentlemen of education and experience. The regiment while guarding the prisoners could go on with its own organization, and when ready to march its place might be supplied by another.

By this plan the expense of a new company would also be saved.

I am further to request that if this plan meets your approval you will please answer by telegraph. Very respectfully,

HARRISON RITCHIE,
*Lt. Col. and A. D. C.*[1]

EXECUTIVE DEPARTMENT.
BOSTON, Oct. 16, 1861.

*Telegram.*

To Lieut. General [Winfield] Scott,
Washington, D. C.

Failing to receive authority for muster of Colonel Stevenson into service, have ordered Lieutenant-Colonel Francis A. Osborn, Twenty-fourth Regiment Massachusetts Volunteers, with two hundred men, into Fort Warren, where he will be ready to receive prisoners on and after Saturday [the nineteenth]. Have also notified Col. Loomis.

A. G. BROWNE, JR.,
*Lieut. Col. and Military Sec'y.*[2]

The following letter will explain itself. When I called on the writer, as already mentioned, I found him in feeble health, and he lived only a short time afterward. He died at Longwood, on February 15, 1862, at the age of seventy-five years.

BOSTON Nov 23rd 1861

DEAR SIR, — I asked you to ascertain what was required and essential to the comfort of those confined at Fort Warren. My son

[1] Executive Letter Files, v. 481–483.

[2] *Ib.* VI. 318.

Charles tells me, you said that fruit would be very acceptable. The season for fruit, as you are aware, has not been good; and we have almost none at this time except apples.

Among the prisoners daily expected, is Mr. Eustis in whom I have much interest from personal acquaintance and a long intimacy with his family to whom I am under many obligations. I wrote him some days since, proffering my services in any way consistent with our position, and the unhappy state of our Country. I have no knowledge of what is allowed to be communicated between those once intimate, and now severed and struggling for the destruction of each other.

It must be very troublesome to the Commander to examine so many communications as must be brought to his eye; but lest I aggravate the evil, I will to the point.

When attending Congress in July, as I was told, Mr. Eustis and wife were on their way to Washington, and again that he was detained in Alabama by fever, and that afterwards they were at the White Sulphur Springs in Virginia, for his health; whatever may have been his success in gaining health the transition to our climate must be fearful. Please see him, and inform me on the subject. I have said to him, that he would want some warm clothing &c., and to send to me for it and it should be attended to. I sent him some wine, and newspapers, some days since. The periodicals, such as the London Westminster and Edinboro Reviews, I would cheerfully send him if desired. You are aware my health would not allow me to visit the Fort were I permitted so to do.

Should you get this in time to write me in reply on Monday, I wish you particularly so to do, as I expect to be absent from Boston for some days. Sincerely yours

Wm. Appleton.

Dr Green, Fort Warren.

I am tempted to add to this paper a bit of personal matter which has no connection with the Mason and Slidell affair, though it relates to the War of the Rebellion. I was among the last persons that ever had any long conversation with Robert Gould Shaw, the brave and fearless Colonel of the 54th Massachusetts Volunteers (a colored regiment), who lost his life in the assault on Fort Wagner. His regiment was drawn up on the beach, together with other troops, directly in front of my tent on Morris Island. Having known Bob Shaw and his father's family for many years, I stepped down to the beach and had a long talk with him. He was moving about at random

among his officers and men, some of whom I knew; and the subject of conversation among them was anything but what was uppermost in their minds. Everybody knew that there was to be a fearful fight, and that each one stood on the edge of a perilous battle; but this was not talked about. Everybody tried to be cheerful, but the clouds hung low. Soon the column started to march up the beach; and it was not long before the roar of cannon and the rattle of musketry proclaimed the fact that the battle had begun. In due time we had visible proof of it by the arrival of the wounded at the Post Hospital which was under my charge as Chief Medical Officer of the Island.

To me July 18, the day of attack on Fort Wagner, was a memorable anniversary, as just two years before a sharp skirmish took place in Virginia, which is now known as the fight at Blackburn's Ford, the forerunner of the first Bull Run, where I was present. A few days after the assault I accompanied Dr. John J. Craven, Medical Director of the Department of the South, aboard the hospital ship *Cosmopolitan*, under a flag of truce, which sailed up under the guns of Fort Sumter, where we were met by another steamer coming from Charleston, with surgeons in charge of our wounded, when we exchanged prisoners. On that occasion we received more men than we gave, as so many of ours had fallen in Fort Wagner that the defenders had the advantage of us in the numbers captured. While engaged in this exchange of prisoners I improved the opportunity to swap late New York newspapers for those of Charleston with the Southern medical officers. In going back to Morris Island I examined with much interest the account there given of the assault on the Fort. One account said that a young officer with Colonel's shoulder straps was killed, and undoubtedly he was Colonel Shaw; and it added that they had buried him *with his niggers*. This expression seemed to me, for various reasons, to be in bad taste. On my return to the Island I took this newspaper to General Gillmore and gave it to him.

Two or three days before the attack on Wagner there was a skirmish on James Island in which Shaw's men met with some loss. It was the first time that this colored regiment had ever been in action, and they received great credit for their conduct

under fire. The engagement was commanded by General Terry, on whose staff I was then serving.

The skirmish was fought over a low bit of sandy land near the coast, covered with marsh grass of considerable height; and the ground was honeycombed with the holes of fiddler-crabs. Word came to me that the bodies of some of the colored men killed in this fight had been mutilated by the enemy; and I felt it to be my duty to look into the matter and find out the truth. With that object in view, after the action I walked over the field, examining carefully the ground and looking for the mutilated remains of soldiers. As a result I found several bodies, which were almost wholly concealed by the tall marsh grass; and, sure enough, the small crabs had eaten away the cuticle in spots off the faces of the dead men, leaving a gruesome sight. The little wretches had attacked parts under the eyes, behind the ears, and other tender places; and there were scores of the ravenous crustaceans still at work when I found them, which disappeared as if by magic, as soon as they were disturbed. This discovery explained satisfactorily the rumors then circulating among the men. I went at once to Colonel Shaw and reported to him the facts, telling him at the same time that he had better return with me and see the exact state of affairs for himself, which he promptly did. The Colonel was soon satisfied that my statement was correct. I was afraid that some exaggerated account would get into the partisan newspapers of the North, and make a mountain out of a mole-hill. My only object was to settle the matter aright. So far as my knowledge goes, the subject was never mentioned in the public prints.

Shaw was a brave officer and was buried where he fell; and today he fills an unknown grave. His memory, however, is preserved both in bronze and marble elsewhere, and it is of little moment where his mortal remains lie. His name has been given to schools in different parts of the country, where it is cherished by the rising generation. He never thought of fame, but only of duty; and in his death he gained the one and did the other.

Facts lie at the foundations of history, and they are the raw material of all narrative writing; and this is my excuse for adding a bit of personal matter.

Mr. JONATHAN SMITH read a paper on

## TOWN GRANTS UNDER BELCHER.

Among the Belcher papers, printed in the Society's *Proceedings*,[1] 1910, is the answer of Governor Belcher to a petition filed by Andrew Wiggin and others with the King and Council, setting forth the grievances of New Hampshire people against the Governor; and though not in terms asking for his removal, yet such was its intent and purpose. The complaint makes several charges of misconduct and among others this one:

> And those Persons with whom your Majesty hath intrusted the Power of granting the unappropriated Land within this Province [New Hampshire], and who have, since the Judgement of the Commissioners, granted the only Tract of Land unappropriated, and out of Controversy, to Persons, the most of whom were great Opposers of the Settlement of the Lines, and who never contributed one Penny toward the Charge that hath attended it. Innumerable Instances of this Nature induce us to supplicate your Majesty for Relief.

The judgment of the Commissioners alluded to is the report of the Board appointed by the Crown and nominated by the Board of Trade, from the Provinces of Nova Scotia, Rhode Island, New Jersey and New York, to whom was referred the whole matter of the Boundary question.[2] It reported September 2, 1737,[3] and gave an alternative decision, to the disgust and chagrin of the contending parties and from which both promptly appealed. Whether the beneficiaries of the offending grant had contributed to the expense of the hearing there is no information. The bill of the Commissioners alone was £1297 8*s*. 4*d*, which was divided between the two Colonies.[4]

To this charge Governor Belcher replied, that as Governor it "seems verry Extraordinary Considering what former Governors have done of that kind, and what large Shares of new Townships, heretofore granted, have been or are now enjoyed by almost every Member in the present Assembly," and he goes on to say that the power of granting land was given to the Governor and his Council, and unless the grant complained of

[1] *Proceedings*, XLIV. 191.
[2] *N. H. State Papers*, XVIII. 62.
[3] *Ib.* XIX. 391.
[4] *Ib.* 421.

was to unsuitable persons, the petitioners had no right to complain.

The allegations made were true, — that after the report of the Commissioners Governor Belcher had granted away all the unappropriated lands of the province; the Governor's answer of confession; and that it was a "verry Extraordinary" charge in the light of the record of former Governors, and coming also from men who had previously received land under such action.

The petition referred to is dated November 4th, 1737, and is signed by Andrew Wiggin, John Rindge, Samuel Smith, John Smith, J. Odiorne, Jr., Thomas Packer and George Walton. All were members of the Assembly for 1737, and Andrew Wiggin was Speaker at the time.

The "case" or "brief" of the complainants, which is signed by J. Browne and William Murray, — afterwards Lord Mansfield, — their London attorneys, makes no mention of this charge about granting away the remaining land of the Province.[1] The inference is they attached very little importance to it, and thought it best not to discuss a fact which showed such inconsistency on the part of the petitioners. But the London attorneys of Governor Belcher, J. Strange and R. Hollings, dwell upon the point at some length.[2] Their brief claims that the Respondent granted the land by advice of the Council, and this cannot be a grievance, unless it is a grievance that the land was not granted to the petitioners. The lands were no part of the disputed territory, and the Governor and Council had an undoubted right to grant them, and it was for the King's interest to do so. The grantees were personally unobjectionable men, save that they were great opposers of the settlement of the boundary line, which, the brief says, was only inserted, as it is presumed, to show that the grants ought to have been made to the petitioners, — as the zealous asserters of the Line. Besides, it nowhere appears that the grantees were opposers"; and if they were that the Respondent did not know it, and if true it was no objection. It was applied for on the usual terms, and they appearing properly qualified, the Respondent would not have been justified in denying their request. There was no pretence that the complainants had asked for the grant, and they should

[1] *N. H. State Papers*, XIX. 541. [2] *Ib.* 552.

not repine because their neighbors had got unappropriated land which they themselves had never applied for.[1] The charge did not cast the "Fairest Light on this Complaint."

The land was granted under the Township name of Kingswood, and the grant was dated October 20, 1737.[2] From this it seems that the Wiggin petition was drawn up about the time of its date. The grant included what is now the towns of Middleton, New Durham and parts of the towns of Gilmanton, Wakefield and Wolfeborough. The territory lies between the southern part of Lake Winnipisaukee and the Maine border, Brookfield on the North, and what was then the northern limits of Rochester and Barrington on the South. The grantees numbered forty-nine, but at their first meeting, Shadrack Walton, George Jaffrey, Jotham Odiorne, Jr., Henry Sherburne, Richard Waldron, Ephraim Dennett, Joshua Pierce, Joseph Sherburne, Ellis Huske, Theodore Atkinson and Andrew Belcher were admitted grantees. All were then members of the Governor's Council save Andrew Belcher, who was a son of the Governor, and some of them were among his most active enemies. Of the original grantees none belonged to the Assembly for that year, but at least a dozen were either sons or near relatives of the members.

The Governor's claim, that former occupants of his office had done the same thing, was correct. In 1722 Governor Shute granted the townships of Chester, Londonderry, Nottingham and Barrington, and incorporated the town of Rochester; and in 1727 Lieutenant Governor Wentworth, acting Governor in the absence of Shute, had granted the townships of Epsom, Chichester, Barnstead, Canterbury, Gilmanton and Bow, all without protest from any one so far as appears. Of the seven signers to the Wiggin petition five had been among the grantees of one or another of six of these towns granted in 1722 and 1727. Wiggin himself had been one of the grantees of five, Samuel Smith of two, and George Walton, John Rindge and John Smith of one each. Richard Waldron, Secretary of the Council and Governor Belcher's fast friend, made a certificate probably for use in the controversy, that Lieutenant Governor Wentworth, on May 27, 1727, "Granted five Townships, and every Member of the House of Representatives at that time was made a Pro-

[1] *N. H. State Papers*, XIX. 563. [2] *Ib.* IX. 456.

prietor in each of the said Townships, and that Andrew Wiggin Esq. was then one of the Representatives and one of the Grantees of Each of the said Townships." [1]

In every case except Londonderry, which was given to the Scotch Irish, and Barrington, granted to four men of whom Lieutenant Governor Wentworth was one, five hundred acres had been set apart each to the Governor and Lieutenant Governor, and one lot to each of the Council. It would seem as though there was little ground for complaint on the part of the men behind this charge, that they had not got their share of land.

In some of the grants made during the same period, 1722–1727, grantees of Kingswood had been included. The petition for the latter grant bears the names of prominent families of Portsmouth and the neighboring towns, or of those who were closely allied to them by ties of kindred and social or business relationships. The petitioners had surely no cause for objection on the ground that Kingswood had been given to unworthy parties.

This complaint against Governor Belcher was only one of the moves on the political chessboard to secure other and far more important results — viz., the settlement of the boundary question between the two States, and the separation of the two Provinces. The controversy had dragged along for forty years, New Hampshire earnestly seeking an adjustment of the question, and Massachusetts constantly delaying and thwarting the movement. The continual defeat of the project had bred strong and bitter feelings among the people of the smaller province, which feeling had steadily grown as time went on. Not unnaturally they had become jealous of the superior power and wealth of the older State, and were fearful that the annexation of the territory between the Merrimack and Connecticut rivers would result in the consolidation of their province with Massachusetts, and so end their political existence as a separate province. The Governor resided in Boston, was a native of Massachusetts, and was its Governor as well as theirs. They distrusted his actions and heavily discounted all his professions of fairness and good faith. What they wanted was a governor of their own and to be free from all political connection with their southern neigh-

[1] *N. H. State Papers*, XVIII. 79.

bor. While feeling the burdens of taxation, and parsimonious in their dealings with Governor Belcher over his salary, they believed, if they could obtain the region between the two rivers, that through its settlement the resources of the State would be so far increased that an independent Governor could be supported with less difficulty than under existing arrangements. There were many causes for irritation growing out of the unsettled controversy, one of which was the uncertainty of land titles near the disputed lines. This had given rise to litigation to such an extent as to become a serious burden, causing delay in the occupation and development of the territory, and proving a constant source of ill temper and vexation among the people.

Another circumstance had augmented the irritation. Between 1730 and the end of the year 1737, the Massachusetts Legislature, with the approval of Governor Belcher, who signed the acts, had granted twenty-five townships within the disputed area, besides giving away large tracts of land in ungranted territory. These were made to Massachusetts citizens upon favorable terms, and strenuous efforts were being constantly exerted to settle the grants. If these places were occupied by settlers from the older State, bound to Massachusetts by ties of land-title, birth or residence, and under the protection of its laws, it must weigh with the King and Council in making up the final decision. In this shrewd policy New Hampshire saw the "fine Italian hand" of Governor Belcher, and charged it up in the account against him. In prosecuting the scheme to appropriate these lands, Massachusetts people assumed that the line of Jurisdiction would not affect their property and that possession and improvement would make a secure title. This same idea existed among the Governor's friends in New Hampshire, and seeing this large tract of ungranted territory in the northeast part of the province, asked for it and the Township of Kingswood was given them.[1] The land speculators, and they were as numerous in proportion to population in one province as in the other, saw on the one side a fruitful field for future exploitation removed, and on the other a large territory added for their operations, which increased the tension between the contending parties.

[1] Belknap, *History of New Hampshire* (Boston, 1813), II. 99.

The tone of the Petition is bitter, almost vindictive, and abounds in harsh epithets which detract from the dignity of statement usually found in such documents. The grounds and history of the controversy do not account for this feature of the petition, and there was much more behind it. There were divisions and quarrels and quarrels within quarrels in which Governor Belcher was a party. Five of his eleven Councillors were personally hostile to him and seeking his overthrow. The Council and Assembly were at odds with each other. The Governor had become involved in a sharp controversy with the King's surveyor of the forests over the exploitation of timber reserved for the Navy. The intercourse between the Governor and Assembly had at times been acrimonious, and charges of disrespect, neglect and bad faith had passed back and forth between them; and between the Governor and his Lieutenant Governor, Dunbar, there was a bitter quarrel. There was the standing dispute about salary and the provision for and payment thereof. The Governor even had his enemies in Massachusetts, raised up by his attitude upon the Land Bank question. This personal hostility was cordially reciprocated by the Governor. In his correspondence with his New Hampshire friends he states his opinions freely. Here are a few of his choice expressions about those who were trying to thwart him. In a letter dated April 20, 1734, to the Secretary of the Council of New Hampshire, Richard Waldron, he thus writes of his Council, "As to the pusillanimous Wretches [referring to certain members] from whom we want assistance — What shall we say or what shall we do? five have been lately admitted by your approbation, but except yourself, you say no man open'd his Jaws. When our friends have all the Places of Profit and Honour, and yet are useless, I again say, What shall we do? What made the old —— go out of Town instead of Being at his Duty."[1] He spoke of Shadrack Walton, acting President of the Council, in the same letter, as "a despicable mortal" and of Arthur Slade, a prominent man of the day, as "Old Slade." Lieutenant Governor Dunbar is always referred to in his correspondence under the epithet of "Sancho." He thus expresses himself about Ellis Huske, another of his Council: "I have a fine time of it That I must make old H—— a Collonial Treas-

[1] *N. H. State Papers*, IV. 872.

urer and Clerk of the Court, and yet he must be such a poor, unthinking —— as that if a Governor does not take notice of a worthless Hound that chimes in with all that would cut his throat, the old Fool forsooth must be afronted." [1]

No doubt these sentiments were cordially reciprocated, and they certainly show the depth and breadth of the love between the parties to the issue, and sufficiently explain the language of Wiggin's complaint.

The Wiggin Petition was referred to the Privy Council, which, December 27, 1739, after reciting the charges of the complaint, reported that the

> Governor hath Acted with great Partiallity By proroguing the Assembly of New Hampshire from the 6th of July, 1737, to the 4th of August following being three days beyond the time appointed for Opening the Commission. In Disobedience to your Majesty's Order in Council which had been transmitted to him by the Lord Commissioners for Trade and Plantations and which was Proved to have been delivered to him in due time. And also by further proroguing the said Assembly from the 2nd of September 1737 to the 13th day of October following whereby the said Province of New Hampshire were deprived of the time intended by your Majesty's aforementioned Order in Council to be allowed them to Consider of the Determination of the said Commissioners and (if they found themselves aggrieved thereby) to prepare a proper and regular appeal therefrom to your Majesty in Council, in Order to a final Determination of the matters in Dispute between the said Province and that of Massachusetts Bay, and thereby to frustrate the intentions of your Majesty's said Commission.[2]

The conclusions of the Council contain no allusion to the grant of the township of Kingswood. This report received the approval of the King, and though nothing further came of the petition, the royal indorsement of its findings marked the beginning of the end of the debate.

The same year, however, John Thomlinson, the London Agent of New Hampshire, in behalf of its Assembly filed a Petition to the King and Council setting forth the same, along with other grievances in great detail, except that it makes no allusion to this grant of land, and concludes with a request that the Province "be immediately freed from being any longer

[1] *N. H. State Papers*, IV. 876. [2] Page 206, *infra*.

under the most oppressive Government of said Jonathan Belcher, And may be put under the command of a separate Governour (and not under the same Governour as the Massachusetts Bay) and may have all such other Relief as to your Majesty's great Justice and Wisdom shall seem meet." [1]

The next year (1740) Joseph Gulston, Contractor for supplying masts for the Royal Navy, Benning Wentworth of the Council, and Richard Chapman and John Thomlinson filed another petition asking for a separation of the Provinces. The grounds of the request are different from those set forth in the other petitions. It was presented after the decision of the King and Council upon the Boundary question, and alleges among other things that by the verdict the Province of New Hampshire had been largely extended and was amply able to support a government and provide for the defence of the province and the protection of trade, and prayed to be made an independent Province.[2]

All these petitions were bitterly fought by Governor Belcher and his friends both in this country and England, and counter petitions, complaints and memorials were laid before the Council. But they did not avail; New Hampshire was separated from Massachusetts, Belcher was removed from the Governorship of the smaller Province, and the grant of the Township of Kingswood was revoked.

### PETITION TO THE KING.[3]

To the King's most Excellent Majesty in Council.

We your Majesty's most dutiful and loyal subjects the Representatives of your Majesty's Province of New Hampshire in New England, do prostrate ourselves at your Majesty's feet, humbly beseeching your Royal Majesty in Council to take under your wise Consideration the distressed and deplorable Condition of the said Province, now groaning under most unhappy Circumstances, thro' the arbitrary and partial Administration of our present Governor, abetted by a Majority of the Council, Persons promoted to that Honour and Trust upon his Recommendation, devoted to his Interest, and subservient to his Directions, tho' never so unreasonable, and notoriously detrimental to the Prosperity and Welfare of your Majesty's

[1] *N. H. State Papers*, v. 921–925. [2] *Ib.* XIX. 471.
[3] The original is in the Library of Congress, Washington, D. C.

Province: This is evident, from the Non-concurring for five Years past the most wholsome Laws the House of Representatives could devise, from the frequent Dissolutions of the several Houses during that Time, and from the reproachful and opprobrious Speeches the several Dissolutions were attended with, sometimes from the Governor, at other times from the Council, calculated (as we apprehend) to create Divisions, Feuds and Animosities amongst your Majesty's good subjects, heretofore the Envy of their Neighbors for their mutual Love and Unanimity, and Strangers to intestine Jars, before Governor Belcher's Arrival amongst us.

That these Grievances have not before now been represented to your Majesty in Council, was not owing to an Insensibility of the Hardships we sustained, (the contrary is evident from a Vote of the late House of Representatives, Nemine Contradicente, That Governor Belcher's Administration was a Grievance; and a Committee was accordingly appointed to remonstrate the same) but an Unwillingness to be troublesome to your Majesty, and some flattering Hopes of an amicable Accommodation among ourselves. But the surprizing Behaviour of his Excellency, and a Majority of the Council at our late Sessions, appointed by your Majesty's special Command to be held at Hampton, (for the more convenient attending upon the Commissioners constituted by your Majesty to settle the disputed Lines between this Province and that of the Massachusetts Bay) has frustrated all our Expectations, and affords us a melancholy Prospect of impending Ruin, if not timely prevented by your Majesty's Goodness and Authority, the most effectual Steps being taken by the Governor, and a Majority of the Council, to render your Majesty's gracious Purposes fruitless, (with respect to the settling the boundary Lines between the two Provinces) and this House odious and contemptible, which, in our Apprehension, is apparent from the following Considerations.

We should trespass on your Majesty's Patience, were we to enumerate the Oppressions and Hardships from time to time exercised by the Massachusetts Government on your Majesty's good Subjects of this Province, inhabiting several miles within the disputed Lines: This their Injustice most flagrantly appears from their own Demands exhibited to the Commissioners, where their Claims fall some Miles short of those Places over which they have usurped Jurisdiction. But we forbear Repetition, these Encroachments having already been laid before your Majesty in Council by our Agent; in Consequence of which (as the most speedy and effectual Method to relieve the Distressed) your Majesty in Council was most graciously pleased to constitute, under the Great Seal, certain Commissioners to make out

the boundary Lines, the Heads of which Commission his Excellency [gave] to this House at their Sessions in April last. In Obedience to which, with Hearts full of Gratitude, we immediately resolved to contribute what in us lay to expedite that important Affair, by a punctual Compliance with all your Majesty's Instructions, and a suitable Preparation for the honourable Commissioners; when, to our great Surprise and Disappointment, (before any necessary Step could be taken in Obedience to your Majesty's Commission) we were prorogued to the 6th day of July, and again further prorogued to the 4th of August, and again, by Orders from the Governor at Boston, prorogued by the President of the Council to the 10th of the said Month; by which Prorogations the Governor's Design too plainly appears of frustrating your Majesty's gracious Intentions, and delivering us up a Prey to our Adversaries, his favoured Province of the Massachusetts Bay. We conceive nothing else could move him to deprive us of all Opportunities of making the necessary Preparations against the appointed Day, but a premeditated Design to embarass and perplex our Affairs; in order to which, upon his meeting us at Hampton, (ten Days after the Commissioners first meeting) he recommends the Choice of two publick Officers residing within the Province, on either of whom, or at whose Places of Abode any Notices, Summons's, or final judgement of the said Commissioners might be served or left, though knowing at the same time that the Committee appointed by the General Assembly to attend the said Commissioners, pursuant to your Majesty's Commission, and as was absolutely necessary to be done, had, on the first Day of the Commissioners, appointed such Officers, who were accordingly accepted and recorded. This we think was evidently throwing Difficulties in our Way; the Design of which (we apprehend) must have been to possess the Commissioners with a Notion of the Illegality of accepting such Officers so appointed: The Consequence of which must have proved fatal to us, had it had its desired Effect; for thereby we should (as we conceive) have been excluded from the right of exhibiting our Claims, which, consistently with your Majesty's Commission, were to be preferred at the first Meeting of the Commissioners, and the Commissioners laid under a Necessity of proceeding ex parte, and granting the Massachusetts unreasonable Demands. Nor have the Governor and a Majority of the Council been less industrious, during the whole Sessions, in defeating all the prudent and well-advised Measures we could fall upon towards issuing speedily this important Affair; everything proposed by this House was disagreeable; all Votes non-concurred; no Money to be had towards defraying the Expences necessarily attending such an

Affair, nor Agent appointed by Concurrence of both Houses, nor Money to prosecute before your Majesty in Council. These deplorable Circumstances we are now reduced to; and where must we seek Succour in our Extremity, but from your most gracious Majesty? In Confidence of which, we throw ourselves at your Majesty's Feet, and beg leave to further assure your Majesty, that, as your Commission was received with universal Joy, so were all necessary Steps taken by this House to make it effectual, but unhappily defeated by the Governor and Council. We might mention many more Grievances; but fearing we have trespassed too much on your Majesty's Patience, beg leave only to mention, that immediately after the Commissioners had made up their Judgement, and before we could obtain a copy thereof, the Governor prorogued the General Court of this Province to the Day before the Commissioners had adjourned their Court, as their last Day to receive Appeals or Exceptions from either Government that thought themselves aggrieved at their Judgement; so that we had only part of one Day to prepare our Appeal, which stripped us of the Benefit intended by the six Weeks Adjournment directed in your Majesty's Commission. This we look upon as a Hardship, especially knowing that the Massachusetts Court was kept sitting until they had prepared their Appeal, voted Money to carry it on, and Agents to pursue it. These things have been denied us, contrary to your Majesty's Intentions, signified by your Commission, and to the Peace and Welfare of this Province, and those Persons with whom your Majesty hath intrusted the Power of granting the unappropriated Land within this Province, and who have, since the Judgement of the Commissioners, granted the only Tract of Land unappropriated, and out of Controversy, to Persons, the most of whom were great Opposers of the Settlement of the Lines, and who never contributed one Penny toward the Charge that hath attended it. Innumerable Instances of this Nature induce us to supplicate your Majesty for Relief. We humbly beg you'd graciously be pleased to receive from our Agent, John Thomlinson, Esq; the Proofs of the several Matters herein alledged, and such further Information as may be necessary to set our melancholy Circumstances in a true Light; which your Majesty's good Subjects, the Inhabitants of this your Majesty's poor little distressed loyal Province, not doubting but, as your tender Regard reaches the most remote of your Subjects, we shall not be thought unworthy of your Royal Favour, and that you will grant us such speedy Relief as in your Royal Goodness shall seem meet: Which to the latest Posterity, will chearfully be acknowledged by the unfeigned Behaviour, and the most dutiful loyal Regards of,

May it please your Majesty, Your Majesty's most Humble, Most Dutiful and Loyal Subjects,

AND. WIGGIN,
J. RINDGE,
SAM. SMITH,
JOHN SMITH,
J. ODIORNE, Jun.
THO. PACKER,
GEO. WALTON,

*Committee of and in the Behalf of the House of Representatives of the Government of New Hampshire.*

Province of New Hampshire in New England in America, November 4, 1737.

## REPORT OF THE PRIVY COUNCIL.[1]

21 November, 1739. (Committee report. The petition of the representatives sets forth)

That Jonathan Belcher, Esq., their present Governor hath been guilty of Arbitrary and partial proceedings in his Administration, abetted thereto by a Majority of the Council, consisting of Persons promoted to that Honour and Trust upon his Recommendation; In nonconcurring for five Years past the most wholesome Laws the House of Representatives could devise; In causing frequent Dissolutions to be made of the several Houses during that time; and In making reproachfull and Opprobrious Speeches upon the said several Dissolutions. And further Setting forth amongst other things, that several Encroachments having been from time to time made by the Province of the Massachusets Bay upon the Lands belonging to the province of New Hampshire, the Petitioners were Obliged some Years since to lay the same Humbly before Your Majesty. Whereupon Your Majesty was graciously pleased to Constitute under the Great Seal certain Commissioners to make out the Boundary Lines, the Heads of which Commission the Governor communicated to the House of Representatives at their Sessions in April 1737; in Obedience to which they immediately resolved to contribute what in them lay to expedite that important Affair, by a punctual Compliance with all your Majesty's Instructions and a Suitable preparation for the Commissioners. When to their great Surprize and Disappointment (before any necessary Step could be taken in Obedience to Your Majesty's Commission) they were prorogued to the 6th day of July, and again further prorogued to the 4th of August, and again by Orders from the Governor at Boston prorogued by the President of the Council to the 10th of the said Month, by which Prorogations the Governor's design too plainly

[1] *Acts of the Privy Council*, Colonial, III. 1720–1745, 594.

appeared of frustrating Your Majesty's Gracious Intentions, and delivering them up a Prey to their adversarys the Province of the Massachusets Bay. The Petitioners conceive nothing else could move him to deprive them of all Opportunitys of making the necessary Preparations against the appointed day but a premeditated Design to embarass and perplex their Affairs; in Order to which upon the said Governor's meeting the House of Representatives at Hampton (ten days after the Commissioners first Meeting) he recommended the Choice of two Publick Officers residing within the Province, on either of whom or at whose Places of Abode any Notices Summons's or final Judgment of the said Commissioners might be served or left; though knowing at the same time that the Committee appointed by the General Assembly to Attend the said Commissioners pursuant to Your Majesty's Commission, and as was absolutely necessary to be done, had on the first day of the Commissioners Meeting appointed such Officers, who were accordingly accepted and Recorded. This the Petitioners think was evidently throwing difficultys in their way, the design of which (they apprehend) must have been to possess the Commissioners with a notion of the Illegality of accepting such Officers so appointed, the Consequence of which must have proved fatal to New Hampshire had it had its desired effect; for thereby they should have been excluded from the Right of exhibiting their Claims which, consistently with Your Majesty's Commission, were to be preferred at the first Meeting of the Commissioners, and the Commissioners laid under a necessity of proceeding *ex parte* and granting the Massachusets unreasonable Demands. Nor have the Governor and a Majority of the Council been less industrious during the whole Sessions in defeating all the prudent and well advised Measures the Representatives of New Hampshire could fall upon towards issuing Speedily this important Affair. Every thing proposed by the House of Representatives of New Hampshire was disagreeable, All Votes Nonconcurred, No Money to be had towards defraying the Expences necessarily Attending such an Affair, Nor Agent appointed by Concurrence of both Houses, Nor Money to prosecute before Your Majesty in Council. That all necessary Steps were taken by the House of Representatives of New Hampshire to make Your Majesty's Commission effectual, but unhappily defeated by the Governor and Council. That immediately after the Commissioners had made up their Judgment, and before the Petitioners could obtain a Copy thereof, the Governor prorogued the General Court of the said province of New Hampshire to the day before the Commissioners had adjourned their Court as their last day to receive Appeals or Exceptions from either Government that thought themselves aggrieved

at their Judgment, so that the Petitioners had only part of One day to prepare their Appeal, which Stripped the Petitioners of the benefit intended by the Six Weeks Adjournment directed in Your Majesty's Commission. This the Petitioners look upon as a hardship especially knowing the Massachusets Court was kept sitting till they had prepared their Appeal, Voted Money to carry it on and Agents to pursue it. These things have been denied to New Hampshire, contrary to Your Majestys Intentions Signified by Your Commission and to the Peace and Welfare of the said Province, and by those persons to whom Your Majesty hath intrusted the Power of granting the unappropriated Land within the said Province of New Hampshire, and who have since the Judgment of the said Commissioners granted the only Tract of unappropriated Land within the said Province and out of Controversy, to Persons the most of whom were great Opposers of the Settlement of the Lines, and who never contributed one penny towards the Charge that hath attended it. Innumerable instances of this Nature induce the Petitioners to Supplicate Your Majesty for Relief. (The Committee, after full hearing and examination of evidence, agree to report), That it appears to their Lordships that the Governor hath Acted with great Partiallity By proroguing the Assembly of New Hampshire from the 6th of July, 1737, to the 4th of August following, being three days beyond the time appointed for Opening the Commission, in Disobedience to Your Majesty's Order in Council which had been transmitted to him by the Lords Commissioners for Trade and Plantations and which was Proved to have been delivered to him in due time. And also by further proroguing the said Assembly from the 2d of September, 1737, to the 13th day of October following, whereby the said Province of New Hampshire were deprived of the time intended by Your Majesty's aforementioned Order in Council to be allowed them to Consider of the Determination of the said Commissioners and (if they found themselves aggrieved thereby) to prepare a proper and regular Appeal therefrom to Your Majesty in Council, in Order to a final Determination of the matters in Dispute between the said Province and that of the Massachusets Bay, and thereby to frustrate the intention of Your Majesty's said Commission. (VI. 399–402.) (1739) George II.

Col. W. R. LIVERMORE read a portion of a chapter in his volume, the "Story of the Civil War," about to be published, dealing with the second day of the battle of Gettysburg, in continuation of his paper read in December, 1910.[1] He

[1] *Proceedings*, XLIV. 223.

illustrated the position and movements of the opposing forces upon an elaborate map of the battlefield, and gave a detailed account of the part played by each brigade, corps and regiment.

Mr. SANBORN presented a paper on

## CHURCHMEN ON THE PASCATAQUA, 1650–1690.

There are points in the early history of Northern New England, in which the indefinite and much-disputed patents of Mason, Gorges and others were located, before any proper determination of latitude or longitude was made in that wilderness, which I have never seen fairly elucidated and presented as a whole, in the many books and papers published in the three States, Maine, Massachusetts and New Hampshire, to which those patents were ultimately confined. During their continuance as subjects of colonization and controversy, many important changes were made in the religious and political constitution of Great Britain and her Colonies. The parties that failed to carry their point in these changes often ceased to have their cause continued in memory, whether it were good or bad, according to the good old rule of *Væ Victis*. It is not every lost cause that contrives to keep itself before tribunals of public opinion so persistently as have those of the Tories in our first Revolution, and of the Slaveholders in our second great Revolution, now frequently offered for justification or sophistry. I do not appear today as the advocate of that party, hostile to the New England Puritans, whose leaders, often supported by powerful forces in the mother country, sought to uphold here the doctrines of the Church of England and the absolutist and oligarchic principles of the Stuart family in Great Britain. But I wish their New England partisans in the seventeenth century, along the banks of the Pascataqua and the shores of Maine and Massachusetts, to have their case impartially considered, and the character of the men themselves more clearly represented, than could be done during the violent and bloody struggles of that and the succeeding century. So far as I know, few of my ancestors were of this defeated party, while I am genealogically connected with several of the opposition to their measures; one of whom suffered more than three years' impris-

onment in the Tower of London, for a demonstration in arms of his opposition. I am therefore as impartial in the case as could reasonably be expected in the present age, so much given to the worship of ancestors.

The Puritans, when colonizing Massachusetts and Connecticut, looked upon this region as a refuge for their religious and political party, should it be defeated in Great Britain; and did in fact use it as such after the Restoration of the Stuarts, for a few decades. The aristocratic party in Church and State, on the contrary, naturally wished to establish here their system of a State Church, of lands held in large estates, and of titles of honor, rising in rank from the simple Knight and Baronet to the higher degrees of Baron, Earl, Marquis, Duke, and even Prince. Had Charles II succeeded in his scheme of uniting Maine and New Hampshire in one province, under the control of his bastard son, the Duke of Monmouth, he would probably have conferred on so large a landlord the rank of "Prince." Charles's brother, the Duke of York, did for a time exercise seigniorial rights over the Province of New York and the Elizabeth Islands in Buzzard's Bay, whence that jurisdiction, when it became a part of Massachusetts, retained its name of "The Duke's County." Care was taken in the unrealized Charter granted by Charles I in 1635 to Captain John Mason and his heirs, but which never "passed the seals," that the inferior titles could be bestowed by the ruler of the proposed County Palatine, or by the Governor-general of all New England; — the reason assigned being "lest the way to honor and renown might seem difficult and hard to find in so remote and far distant a country." Mason and his heirs were to have power, also, to create villages into boroughs, and boroughs into cities; and to hold

all the advowsons and patronages of churches whatsoever, to be erected within the said tracts; with license and ability there to build and found churches, chapels and oratories, and to cause the same to be dedicated or consecrated according to the ecclesiastical laws of England . . . And we do declare and ordain that the said Province of New Hampshire shall be immediately subject to our Crown of England, and dependent upon the same forever.[1]

[1] Sanborn, *History of New Hampshire*, 13, 15.

Although this scheme never took effect, and though John Mason soon died, and his partner, Sir F. Gorges, was never able, after 1635, to follow up his opportunities in New England, the wills of these grantees provided for church glebes, for submission to English Bishops, and for the holding of land in enormous estates, with ground-rent for purchasers, and tenant-service for such as lived on the estate without purchase.

Captain John Mason himself, a vigorous and wealthy person, expected to double and treble his wealth by disposing of his early grants of New England territory, which had been given him to satisfy debts that James I had incurred by employing Mason in the naval service around Scotland. Charles I further paid him by giving him the governorship of Portsmouth Castle, which commanded the important naval station and channel town of Portsmouth; and it was at Mason's house there that Buckingham, the unprincipled favorite of James and Charles, was assassinated in August, 1628. Seven years later, Mason, now appointed Vice-Admiral of New England, was coming over to look after his lands and his Portsmouth colony, and to keep the Puritans in order. But his ship met with an accident, and he died himself, before he could set sail. He left his American lands to his grandson, Robert Tufton, who was to take the name of Mason, and come over here to look after the property. Sir Ferdinando Gorges had already sent over a kinsman to take charge of his Maine property, which was to have a fine manor or capital town, near Agamenticus, called Gorgeana. The Revolution of 1640 intervened (called by Clarendon "the Great Rebellion"); Sir Ferdinando lost his ready money, upholding the King's cause, and soon died himself. The Mason property suffered in the same period, and it was under the government of Oliver Cromwell, in 1651, that Mrs. Mason, the widow of John and grandmother of Robert, sent a kinsman, Joseph Mason, to Portsmouth and Boston, to revive the family interests in New England. He made little headway, and it was not till the Restoration of the Stuarts under Charles II that Robert Mason saw a way to recover and profit by his inherited estate in New Hampshire. By that time (1659–60) Massachusetts had full possession of Maine and New Hampshire, as parts of her jurisdiction, and had no inclination to restore Mason or the Gorges family to their charter privileges. Accordingly the

restored king was urged, and consented, to appoint, in 1664, a royal commission, to hear and pass upon the complaints of colonists as to the misgovernment to which they were subjected by the Puritans of Massachusetts. These commissioners, who were Maverick, a former planter near Boston, and Nicolls, Carr and Cartwright, official persons in other Colonies, came over in 1665. They found here, or brought with them, either at once or in their train, several active promoters of the cause of Mason, Gorges and their heirs, — of whom the chief were, named alphabetically, though not in the order of coming over, Colonel John Archdale, Captain and Dr. Walter Barefoote, Captain Francis Champernowne, Dr. Henry Greenland, Robert Mason, Esq. and Nicholas Shapleigh; who for the next twenty-five years, along with Edward Randolph, a distant cousin of Mason, continued to give trouble to the Massachusetts and New Hampshire Puritans, until the last of the seven ceased, either by death or departure, to contest the Massachusetts right to govern the three provinces, now constituting Maine, New Hampshire and Massachusetts. Of these persons and their acts and characters, the following is a historical summary.

I. Col. *John Archdale.* He was a country gentleman, whose sister had married one of the Gorges family. Born about 1640, he came over to Pascataqua in 1664, to look after the possessions and claims of his sister's kinsmen in Maine. He soon bought land in Kittery and elsewhere, and seems to have resided in that neighborhood, perhaps with occasional visits to England and the West Indies, until he sold his Maine property, and became one of the proprietors of South Carolina, about 1680. He held property there in right of his son and in his own right, and late in the seventeenth century he was made Governor of South Carolina, to end the quarrels among the factious people settled there, as he successfully did. At some time before 1680 he became a Quaker, as Major Shapleigh did, and was one of those who gravely resented the persecution of the Quakers by Massachusetts. He sided with Barefoote, Champernowne and Randolph, in their efforts to throw off the Puritan domination in the Pascataqua region, but took no active part therein; being, apparently, a peaceable, judicious person, of learning and property, who took the part of good government wherever he dwelt. Originally a Churchman, he joined the Dissenters as

a Quaker, and stoutly maintained their cause in Carolina against the factious Anglicans, who there refused to the Dissenters all civil office, and made trouble in various ways. He outlived all his Pascataqua associates, and died in England about 1710.[1]

II. Dr. *Walter Barefoote.* This notable personage, a real thorn in the flesh to the Puritans of Ipswich, Dover, Portsmouth and Boston Bay, would seem to have been the grandson of a Puritan minister of some note in England, and to have lived either in London (where his father, John, was a merchant), or in the county of Essex near London, before coming over to Kittery about 1656–57. He was a surgeon ("chirurgeon") by profession, a captain by title, and may have held that rank in Cromwell's navy, or else served as surgeon there. He had ready money on his first appearance in the Maine records, having bought for cash the pay-certificates of seamen in the navy (at Kittery), and soon after was a buyer of land in York County.[2]

He was the scion of a mercantile family in London, the head of which for more than a century held the ancient manor of Lambourn on the Roding River in Essex; was a free liver and jovial, who soon established himself as a physician at Dover, near his brother-in-law, Thomas Wiggin, Jr., who had married

[1] Much light has been thrown on the career of John Archdale by recent publications in South Carolina and in England. He published pamphlets in his later English life, describing the troubled years of the Carolinas while he was a proprietor there; and was aided in this paper controversy by the novelist Defoe, himself a Dissenter, who introduced elements of fiction into his writings of every sort. Dr. Rufus Jones, of Haverford College, Philadelphia, has made much mention of Archdale in his excellent volume, *The Quakers in the American Colonies*, in which he shows him as "the chief gentleman of Chipping Wycombe" when at home, but active also in Carolina affairs for some twenty-five years. It is worth mentioning that several Pascataqua families, connected with Champernowne by his marriage with the widow of Robert Cutt, — the Elliotts, Scrivenses, etc., migrated to South Carolina, along with Mrs. Champernowne, after the Captain's death and burial in the spring of 1687. By his will, in 1686, when he was seventy-two years old, Champernowne made his wife's grandson, C. Elliott, his heir, giving to him "all the lands of right belonging unto me, or that may belong unto me either in Old England or in New England, not by me already disposed of," showing that he still had property and expectations in his native Devonshire.

[2] The date of Barefoote's birth is not known, but it must have been as early as 1630. From 1657 to his death in 1688, he was the most litigating and scandal-raising personage connected with the Pascataqua region, whether as doctor, captain, prisoner and prison-keeper, deputy governor, land speculator or chief justice. His education was good, he wrote a good hand, and was fond of signing his unusual name — otherwise Barford in England — with a flourish of the pen.

Sarah Barefoote, Walter's sister. They were Anglicans, and friends of Champernowne and Randolph, the former going bail for Barefoote in one of his frequent arrests for debt, assault or other offence. He was accused by the Puritans of having left a wife in London when he migrated, to which a certain Davis testified, in 1676 (when Massachusetts wished to make out a case against Barefoote), as follows:

> In the year 1662, being in England, there came to my lodging a woman who said she was the wife of one Walter Barefoot in New England: . . . said she was in a very low condition and desired me to get him to send her some maintenance, for she had two children to maintain, and had no subsistence for them. Further, there came an ancient man to me, who said Walter Barefoot was a very knave, in that, desiring him to be security for him to a merchant in Mark Lane, for linens he had of him, Barefoot did never send pay for the same; so that the old man was forced to lie in the King's Bench, a prisoner, as he said. These things I acquainted Mr. Barefoot with, when I came over; who owned the linens he had taken up.

In his will of 1688 Barefoote made no mention of any wife and children, though he left a large estate, mainly to his sister, Mrs. Wiggin. He is probably buried among the Wiggins, at Sandy Point in Stratham, having no other near relatives in America. He died at Great Island (New Castle) in his own house, the island where he had many adventures, guarding prisoners of the Province, and being a prisoner there himself, as well as at Hampton and Dover, in some of his many lawsuits and affrays. He was from the first a landholder, as well as a practising physician of note; bought land of Colonel Archdale and of Captain Champernowne, leased land of Mason, bought saw-mills of Harlakenden Symonds, the brother-in-law of John Winthrop the younger, and was mixed up in suits with many of the prominent planters of New Hampshire, Maine and Massachusetts. In a dispute of 1674, while Barefoote was still a practising physician at Dover, he became involved with the Hiltons of Exeter, and was carried away to the Hampton jail, after a scene in the Dover jail which is depicted with much liveliness in the depositions on record at Concord, New Hampshire. The Hampton constable, Christopher Palmer, acting for the Hiltons, went with an arresting *posse* to Dr. Barefoote's house in Dover, and persuaded him to go along with them to the

jail, and release upon bail two Hiltons there imprisoned, under Jeremiah Tibbetts, the jailer. With great good-humor the Doctor went along, and took a gallon of perry, to celebrate the armistice in the lawsuit by treating the company. Young Tibbetts, the jailer's son, then testified:

> They brought with them a runlet of perry, which Capt. Barefoote brought to drink with them, as he said; and so long as it lasted they were very merry. But presently, after it was ended, there was a great noise, — Captain B. lying on the ground, saying, he would not go, for he was in a prison already, where he would abide; but said Christopher Palmer answered, he was *his* prisoner, pulling him very rough and rudely.

Palmer himself described the scene by saying that when he arrested Barefoote upon a proper warrant, "he laid himself along the floor at Jeremiah Tibbetts' house, *more like a pig than a captain.*" Pig or captain, Palmer put him in a boat, and as he sailed down the stream and came near Captain Champernowne's great farm of "Greenland" on the Great Bay, Champernowne brought the party to, and offered bail for his friend, which Palmer refused; and then carried him across the country to Hampton jail, whence Barefoote wrote an indignant protest to the Massachusetts authorities, quoting their own statutes to them and demanding his release. He was taken to Hampton, September 21, 1674, and, as John Souter, the Hampton jailer, testified: "I saw him lockt up into the Hampton prison of Norfolk County; and Christopher Palmer bade me go with them and lock the said Barefoote into the common gole, and bade me have a care of him, lest he should give me the slip."

A queer complication of this affair is that, in the May preceding, Dr. Barefoote had sued Palmer, in the same Hampton court, for "several physical and chirurgical medicines and visits, to the value of six pounds." In a previous controversy with the Hiltons, the old lady, Mrs. Katharine Hilton (born Shapleigh) swore that in Exeter (1670) "Captain Barefoote got a pistol or a sword or rapier, and drove the marshal away." Such affairs had early brought him into collision with the Massachusetts Puritans, who in 1671–73 tried to send him back to England. In 1671 the magistrates fined Barefoote 20 shillings "for his profaneness and horrid oaths," and went on to

decree thus: "It appearing that he left a wife and two children in England, we do sentence him to return to England by the first ship, and that he shall henceforth be debarred to practise chirurgery or physic in any part of this jurisdiction."

To this sentence Dr. Barefoote paid no regard, but continued to practise and send in bills, which were paid. The wonder is, that when they had him in prison in 1674, they did not undertake to enforce their own decree. But he seems to have been a chartered libertine, who could get into scrapes of all kinds without being seriously discredited by them. In the year 1678 the selectmen of Portsmouth, where Barefoote's political foes were in full control, and where Barefoote was then a citizen, made a singular agreement with him for the cure of one Richard Harvey who had lately broken his leg, with this condition:

> If said Barefoote make a perfect cure, providing and finding all means at his own cost, except rum for steeps, which the Town is to find, and if he shall perfect the cure, he is to have for the same 20 pounds, all in money or merchantable white oak pipe-staves, at £3. 10*s*. per thousand; and if in case he performs not a perfect cure, he agrees to have nothing for his pains, more than the 20 shillings in money already paid him for what he has done for him this day.

It was a case of first aid to the injured, and indicates that Barefoote had reputation as a good surgeon, although so litigious and so ready to draw sword or pistol, and to swear great oaths, like other captains. His recalcitrancy against the persecuting Puritans, one of whom was his Dover neighbor, Major Waldron, a cruel old Indian trader and Indian fighter, first showed itself in 1662, when, by tradition (for I have found no written record of it), he interfered in Salisbury to have Major Pike, a magistrate of another county, discharge the three Quaker women, whom Waldron had sentenced to be whipped at the cart's tail in every town from Dover to the Rhode Island line. Such was the intent of his barbarous order; but Dr. Barefoote, by tradition, followed or met this lamentable procession in Salisbury, and there, with the connivance of Major Pike, took the women from the constable of Salisbury, under pretence of delivering them to the Newbury constable, and in Newbury, with the aid of another physician, Dr. Henry Greenland, bound up their wounds and set them free. About the

same time Waldron (December, 1662) implicated another of my list of Churchmen, Major Nicholas Shapleigh, living in what is now Eliot, with the Quakers, writing thus:

Major Shapleigh shelters all the Quakers that come into our parts, and followeth them where they meet. Which is not only a disturber upon that side [of the Pascataqua] but also on our side, where is but the river between. And so they come into our town, and presently they are gone over the river; and so his house is a harbor for them. And some say he is dictated by the little crooked Quaker [Edward Wharton]. Our town will be so disturbed with the Quakers and others that we shall hardly be at peace.

These "others" were the members of the Anglican Church, who kept insisting, under the restored Stuarts, that they were deprived of the rites of their religion and the use of the Book of Common Prayer. It can hardly be supposed that Barefoote and Greenland suffered greatly from lack of the Anglican ordinances; but others probably did. At any rate, a considerable number of the residents on both sides of the river united in a petition that they might have the use of the Prayer Book and other ordinances of the English Church. Moreover, in 1664–65, when Charles II sent over his first royal Commission, many of these residents signed a petition to Carr, Cartwright and Maverick, alleging that:

Your petitioners for several years last past have been kept under the Government of the Massachusetts by an usurped power whose laws are derogatory to the laws of England; under which power five or six of the richest men of this parish [Portsmouth] have ruled, swayed and ordered all offices, both civil and military, at their pleasures. . . . And at the election of such officers the aforesaid party, or the greatest part of them, have always kept themselves in offices for the managing of the gifts of lands and settling them; whereby they have engrossed the greatest part of the lands, within the precincts and limits of this plantation, into their own hands. . . . The parties we petition against are Joshua Moodey, Minister; Richard Cutt, John Cutt, Elias Stileman, Nathaniel Fryer, Brian Pendleton, Merchants.

Barefoote did not sign this petition, being then a citizen of Dover; but he took the same view of the situation, and there was too much reason for it. He was himself accused, a few

years later, of getting unjust possession of some 6,000 acres in New Hampshire, which one Captain Littlebury, in the North of England, alleged as belonging to himself, to cover an advance of three hundred pounds sterling to Mason and his associates in colonizing New Hampshire:

as an adventure there; for which in 1663 the survivors, Gardner and Eyres, had agreed to give him a fourth part of their property, — his promised share being 6,000 acres; but now he hath been deluded 3 years, to his great hindrance and damage, by Capt. Champernowne, Major Shapleigh, Dr. Barefoot, and other grand incendiaries to the present government.

Littlebury meant the government by Massachusetts, by which he was probably incited to make this claim, never heard of afterward, I think. He added, this Holy Island Captain, as an aggravation of his conduct, that "Shapleigh hath lately made leases of lands for 1,000 years, to Mr. Hilton of Exeter, Dr. Barefoote and others."

This introduces into political and religious controversy the celebrated Masonian claim to the whole of New Hampshire and parts of Maine and Massachusetts; which kept the courts of New England busy for a century and a half, until it was finally settled, soon after the Revolution, by a compromise with the State government of New Hampshire. Shapleigh, in making leases with ground-rent, was acting as the agent of Robert Mason in England; and by accepting his leases, Hilton and Barefoote placed themselves on the side of the English system of land tenure, with primogeniture and Episcopal church government, against which the Puritans were struggling. From that time forward — say 1666 — Barefoote was a sturdy and quarrelsome supporter of the Stuart policy.

Upon his arrest by Palmer of Hampton, Barefoote, in his long protest, quoted the following passage from the printed Body of Liberties of the Bay Colony:

"Forasmuch as the free fruition of such Liberties, Immunities and Privileges as humanity, civility and Christianity call for, as due to every man in his place and proportion, without impeachment and infringement, hath ever been, and ever will be, the tranquility and stability of churches and Commonwealth; and the denial or deprival thereof, the disturbance if not ruin of both, —

"It is therefore ordered by this Court, and the authority thereof, that no man's life shall be taken away, no man's honor or good name shall be stained, no man's person shall be arrested, restrained, banished, dismembered, nor any way punished; no man shall be deprived of his wife or children, no man's goods or estate shall be taken away from him, nor any way indamaged, under color of law, or countenance of authority, except it be by virtue or equity of some express law."

Consider [Barefoote goes on] whether a deputy named Christopher Palmer have not broken every tittle of this wholesome and express law. He cannot plead ignorance of the law, for it is well known that he hath been and is a known attorney and a malicious one: for in this very case, his malice — not regarding God nor the word of God, nor the authority who made these express bounds and laws, — he endeavored all in him lay to take away not only my honor or credit, but struck at my life, — if he could a' prevailed with the prison-keeper of Hampton, to a' kept me in the close dungeon, far remote from any house, — and said prison-keeper not able or willing to give me bread or anything to support life.

Nextly I shall instance the subtlety of this Deputy, — coming to my habitation, pleading friendship; so I entertained him as a friend with the best in the house. Then he invited me to go see Sam. and Charles Hilton in the prison, where they were prisoners; and I very willingly went with him to give them a visit, and carried along a two-gallon runlet of Perry. And when we were come to the prison-keeper's house, where the said Sam. and Charles Hilton were prisoners, I treated them civilly, and likewise they spoke civilly and courteously to me; and this Deputy still pretended great love to me till the Perry was all drank out, and then suddenly said Deputy claps hold on me, as if he meant violence to my person. I, being not willing to resist, but rather to expose my life than give occasion of offence to authority, did submit to his will, — he declaring he arrested me in an action of Sam. Hilton. Said Hilton being then by [present], did declare he never did give order to him for any such thing, nor did not know of it; and showed his dislike of what was done by said Deputy.

This meek submission of Barefoote to constituted authority contrasts vividly with his previous conduct in 1670–71, towards an honest Dogberry of a constable in Portsmouth, Henry Dering, who tried to arrest and imprison him upon an action of attachment brought by Abraham Corbett, for two suits, one for £1000 and the other for £150, and declined

to take bail for either, in fear of being swindled by Barefoote, who did not inspire confidence by his promises. With tiresome prolixity Dering tells the story of one eventful night on Great Island, while yet Barefoote lived in Dover, and only came down occasionally to the Piræus of old Portsmouth, which New Castle then was. But the upshot of it was thrilling. After an attempt to escape in a canoe, with the help of the aforesaid Charles Hilton, and while Dering mistrusted his prisoner;

the more by reason of his banishment out of the Jurisdiction, and his also telling me that he must be gone, and would ere long, but would return and answer that action; hearing that said Barefoote was ordered by the General Court to depart the Jurisdiction by a certain time, on the penalty of £20, and also not to practise physic under a fine of £100; and he having forfeited both.

Therefore Dering resolved to put Barefoote in prison; and was leading him along the island road for that purpose, when his *posse* was assaulted by Charles Hilton and his crew, trying to rescue Barefoote; who, grasping Dering by the neck-band, threw himself backward with so much force as almost to strangle Dering, who thus goes on:

And when said Swett had pulled Barefoot from me, I went to take hold of his shoulder again; and he going backward I missed my hold; and his band coming in the way of my closing, my hands took hold of it, and he going from me, it tore. Whereupon he was very angry, and began to come towards me, and to lay hands on me. And I, seeing him ketch at my neckcloth, which was twice about my neck, I went backward to shun that danger. But he making use of that advantage (I also having a candle and lanthorn in one of my hands) followed me to take hold of my neckcloth; but I went backward till Charles Hilton came behind me and kept me up to Barefoote. And then said B. took hold of my neckcloth, and going from me that he might have the better advantage to pull and choke me, I bid him let go, and requested Hilton to loose his hands from my neckcloth. But neither would he let go, nor Hilton cause him; and immediately either Hilton or George Swett struck the lanthorn out of my hand, with such a force that, although it was a new one scarcely used before, it broke, — I holding one piece in my hand and put it in my pocket, and showed it to the people after help came.

So when the light was out, I had more hands about me than Barefoot's, and I received a blow on the side of my head, so that it was swelled from the crown to my ear, — and very sore it was — and a great portion of the hair was pulled off. And how it came to pass I know not, for I was in a great measure deprived of my senses and understanding by reason of my being almost choked by Barefoot, with my neckcloth. But I presume it was this, — that B. perceiving that he, standing, could not quite choke me, fell down with his back on the ground, and up with one of his feet, and placing it against my breast, he, the said Barefoot, did with his hands pull my neckcloth, and thrust me away with his foot, so that he had almost made an end with me. I mean that he had almost killed me, whereby he might attain his purpose of escape from under the two said arrests. And when I perceived that Charles Hilton stood close by me, and would not help me; neither Barefoot let go, nor ease his force that he used to choke me, and that my life was even almost spent, — the Lord put it into my thoughts that, unless I could cry "Murder," I was there like to perish, — for indeed then my life required haste, — I bent myself down and pulled the said Barefoot's arms toward me. Whereby I got a little ease, and but a little; for, as I remember, in straining to get my wind out of my throat, the blood gushed out of my nose.

Yet this nose-bleeding Dogberry not only saved his own life, but took Barefoote away as his prisoner, by the help that came to him upon his outcry. All this Dering deposed before Elias Stileman, a kinsman of the Cutts, and one of the magnates of Portsmouth, in a Court of Associates held there, January 1, 1673. We shall hear more of "said Barefoote" later on.

III. Capt. *Francis Champernowne.* Earlier, and still more pronounced, was the support given by Champernowne, into whose ancient Norman family both Sir Humphrey Gilbert and Sir Walter Ralegh had married in the sixteenth century. They were all Devonshire people, and Gawen Champernowne, a cousin of Ralegh, was the grandfather of Francis, who was therefore a third cousin of Ralegh; the younger son of a titled family, who came to New England hoping to begin a titled family here. For, under the draft of a charter for Mason's Colony, made in 1635, but never in force, Capt. John Mason was to be a Count Palatine in New England, after the pattern of the Bishop of Durham in England.[1] As such (as already

[1] See p. 212, *supra.*

quoted) Mason was to have this imperfect charter (which bears the marks of Laud's contriving brain and the grasping despotism of Charles I), had it gone into full effect, and been followed up by a similar charter for Gorges in Maine, would have developed a landed and titled aristocracy, a church with tithes and rents, endowed schools dependent on the clergy, and the whole glittering parade of Church and State, which was the ambition and the unfulfilled dream of Charles, of Buckingham, of Wentworth and of Laud.[1]

[1] In the copious Memoir of Francis Champernowne by C. W. Tuttle, it is shown that his grandfather, Gawen Champernowne, married to the daughter of that Count Montgomery who had the misfortune to give the king of France, Henry II, a mortal wound in a tournament, was first cousin of Ralegh, and served with him in the religious wars of France. Arthur Champernowne, father of Francis, was Ralegh's second cousin, and Francis himself, third cousin of Ralegh and his half-brother Gilbert, became, by Sir Ferdinando Gorges' second marriage, a nephew of that colonizer and grantee of Maine. When Francis was twenty-two years old, his father, Arthur, received from his brother-in-law, Gorges, grants of a thousand acres of land on or near Champernowne's Island in Maine. The following year, 1637, Francis came over (probably in company with young Lord Ley, with whom he afterward sailed as a naval captain in the fleet of Charles I), and took possession of his father's grant, half of which afterward became the property of Walter Barefoote. His own estate, for a few years after, was a tract of 400 acres on the Great Bay, which he called Greenland, long within the limits of Portsmouth; and he seems to have been residing there in October, 1640, when he was one of the signers of a "combination" for maintaining order and government, before New Hampshire came under the control of Massachusetts. After 1641 he disappears from the Pascataqua region for six or seven years, during which he probably served as captain under the command of the third Lord Ley who had become Earl of Marlborough, by the death of his grandfather, who was Milton's

> Good Earl, once President
> Of England's Council and her Treasury,
> Who lived in both, unstained with gold or fee,
> And left them both, more in himself content;
> Till sad the breaking of that Parliament
> Broke him, as that dishonest victory
> At Chaeronea, fatal to liberty,
> Killed with report that old man eloquent.

The young earl seems not to have been a Puritan, like his grandfather and aunt, the Lady Margaret, but sided with the king against the Parliament. Champernowne, though eight or ten years older than Marlborough, served under him, and when the king's cause became hopeless, Champernowne returned to Greenland about 1648; sold half of his father's island to a shipmaster named White, but the bargain fell through, and Francis then retired for a few years to Barbadoes, still retaining his citizenship in Portsmouth, where the town granted him 375 acres as a new farm, near his older one of Greenland, where he continued to live until about 1660. He then removed to the island named for him, and was

Champernowne had come over to Portsmouth with wealth enough to buy large tracts on both sides of the river. His farm, Greenland, on the Bay above Portsmouth, afterwards furnished a name for the parish and town so designated. His estate in Kittery included the island since known by the name of Cutts, and he is commemorated in the name of the hotel that now stands in Kittery by the waterside opposite New Castle. Though twice married, he left no surviving sons; his widow migrated to South Carolina, where he might have been more at home than among the yeomanry and merchants of the Pascataqua. He left his romantic name to his region, and the reputation of a genial, good citizen, to whom no scandals attached. He was technically and habitually a gentleman, void of the unscrupulous ambition that brought his distinguished cousin Ralegh to grief and to the scaffold.

IV. Dr. *Henry Greenland.* A very unlike person was Barefoote's friend and professional brother, Dr. Greenland. Like him, Greenland appears descended from a Puritan household, rather hard to identify, in spite of its unusual name. The two chirurgeons were friends in England; and Greenland, already married there, came over at a suggestion from Barefoote. Like Dr. Bernard Randolph of Oxford, father of Edward and Bernard Randolph, they were skilful physicians in their specialty; and, after his banishment to New Jersey, Greenland rose into social and political station. But in New England he

one of a commission named by young Ferdinando Gorges, lord-proprietor of Maine, to control and govern that Province in his name (May 23, 1661). His associates were Churchmen like himself, — Henry Jocelyn, son of Sir Thomas, Robert Jordan a clergyman, and Nicholas Shapleigh, son of Alexander, whose sister had married one of the Hiltons, early colonists at Exeter. This authority in 1664 was reinforced by a royal order from Charles II, — at which date (November 5, 1664), John Archdale, Edward Rishworth, Francis Raynes and Thomas Withers had been added to the commission, and Shapleigh had ceased to act, but remained of the Mason and Gorges party, to which had been added, since 1657, Dr. Barefoote. Now followed a turbulent period of controversy between the Massachusetts Puritans and the Church and Stuart interest in Maine and New Hampshire, in which Champernowne and his friends were alternately in control and under indictment. He and ten of his friends were made justices of the peace by the king's commissioners, Carr, Cartwright and Maverick, and controlled affairs (mainly) from June, 1665, to July, 1668, when Massachusetts by force re-established its jurisdiction over Maine, — the Churchmen always protesting, and standing by each other. Meantime Charles II had formed a plan in his indolent mind for uniting the two colonies into a principality for James Scott, Duke of Monmouth, which never took effect.

was out of place from the first. Appearing at Newburyport late in 1662, he lived for a time at the tavern of John Emery, a friend of Quakers, who, in March, 1664, was fined for entertaining "Dr. Henry Greenland, a stranger not having a legal residence in the town of Newbury." This fine was remitted upon the petition of the Selectmen and chief people of Newbury, — "considering the usefulness of Mr. Greenland, in respect of his practice in our town." It was further stated that

> He was, by reason of his acquaintance with Capt. Barefoote, etc. inclinable to settle in the country, if he liked, — and to make use of his practice of Physic and Chirurgery amongst us. But, being as yet unsettled, and uncertain where to fix, until his wife (whom he hath sent for) did come, he was necessarily put upon it to reside near such patients as had put themselves in his hands for cure.

He was unprincipled and quarrelsome, like his Dover friend, and hardly seems genial, like Barefoote. In September, 1664, he was convicted of an assault on William Thomas and Richard Dole, in a Newbury tavern, and even earlier he was before the Essex County court on a charge of immorality. He sold his Newburyport house, at the corner of Market and Merrimac Streets, January 12, 1666, and removed to Kittery, where he bought land which he afterward sold to Barefoote. He had in the preceding year, 1665, got involved in a quarrel with Richard Cutt, the richest merchant in Portsmouth, as appears by entries in the record of the royal Commission of Cartwright, Carr and Maverick, sitting at Portsmouth in July, 1665, thus:

> We do freely forgive Mr. Richard Cutt concerning any injury he might be supposed to have done us by some words which he was accused to have spoken against the King's Commissioners (about having a dagger put into their bellies or guts, or words to the like purpose.) And if the said Cutt never molest Thomas Wiggin of Dover, or Dr. Greenland of Newbury, for giving evidence against him, or for reporting him to be the author of such words, we promise never to produce those writings and evidences which they have sworn to before us, to his hurt or damage.

Thus the matter passed off for the time; but the animosity of Greenland continued for years, and in 1670 Captain Fountaine of the armed vessel *Mermaiden*, then lying at the Shoals (May 28), wrote to Richard Cutt as follows:

About five days past there came on board of me one of your neighbors, by name Henry Greenland, who pretended some acquaintance with some of my men, especially with one Gardner, who he hath employed to speak to me about an unworthy design, as per the enclosed deposition you may know.

*Deposition.*

Robert Gardner, upon oath before John Hunking at the Shoals saith: That Mr. Henry Greenland said unto him that he would put our ship's company upon a brave purchase: which should be by the seizing on the person of Mr. Richard Cutt, and to carry him for England; and that it would be effected with a great deal of ease, by carrying the ship to Pascataway; and that a small number of our men might go and take himself, and cause him and his servants to carry down on their backs such money and goods as was there to be found. And he was sure the purchase would be worth £10,000; and he would maintain the doing thereof in point of law; for that the said Cutt had spoken treason against the King.

This and other evil words and deeds did so incense the Great and General Court at Boston that in June, 1672, the following record was made, and followed up until Dr. Greenland sailed away to Piscataway in New Jersey, taking the name of his region with him, and fastening it upon a coast town in that Colony:

Henry Greenland appearing before this Court, and being legally convicted of many high misdemeanors *i. e.* endeavoring to disturb His Majesty's government here settled, reviling the courts of justice and the magistrates in base and unworthy terms, and making quarrels and contentions among the people in a very perfidious manner, with profane cursing and swearing: is sentenced to pay a fine of 20 pounds in money, and to depart the limits of this jurisdiction within two months, next coming, and not to return again without the license of the General Court or Council: On penalty of being severely whipt 30 stripes, and to pay a fine of 100 pounds: and not to be admitted hereafter to be a surety or attorney in any legal process; and to stand committed until the fine of 20 pounds be satisfied.

His time of banishment was finally extended till September, 1673, and he thenceforth lived in Piscataway, New Jersey, dying there in 1695. He there owned property, bore the title of Captain, and left two children, Henry and Frances, who

made good marriages and left descendants now living, — one of whom, F. C. Cochran of Ithaca, New York, gives me this information. A grandson of Dr. Greenland, Barefoot Brinson, born about 1683, became high sheriff of Middlesex County, New Jersey. This name makes it probable that Greenland was a far-away cousin of Walter Barefoote; who was himself the grandson of Sarah Culverwell, wife of Thomas Barefoot of Lambourn in Essex, and daughter of a famous Puritan minister, Ezekiel Culverwell. Walter's father seems to have been John, a merchant in London.

V. *Robert Mason, Esquire.* This unlucky grandson of the grantee of New Hampshire, was the son of Anne Mason, who married a Tufton in England. On inheriting his grandfather's New England property, Robert took the name of Mason instead of Tufton. That name, however, continued to alternate with the name of Mason; and when the last single owner of the Masonian claims sold them to a syndicate at Portsmouth in 1746, he bore the double name of John Tufton Mason. He was the grandson of Catharine Wiggin, the daughter of Sarah Barefoote and Thomas Wiggin, who had married a son of Robert Mason, thus uniting the families of two of the subjects of this essay.

Robert Mason, grandson of John, was a second cousin of Edward Randolph, the great enemy of New England charters, who secured the abrogation of the Massachusetts charter, and held several offices under the Lords of Trade in England and in the royal governments of America. Had Mason possessed the energy and tact of Randolph, he might have perhaps come into full ownership of the lands he claimed; for he had on his side the English king and the English courts, although Massachusetts and the New Hampshire yeomanry were against him and thwarted him. He was a gentle, weak man, always in debt; like weak men in general, he alternated between moderation and violence, and drifted with the tide of events. Born in 1634, shortly before John Mason's death, he lived in England until about 30, leaving his New England claims to be handled by his grandmother and her agent, Joseph Mason, who in 1651 made a fair and manly effort to settle the dispute over the Mason property and claims with Massachusetts, which then had practical sway in New Hampshire. This failing, while the

representatives of Gorges in Maine appealed to Parliament in Cromwell's day, the Masons waited till the Restoration, and made their appeal as churchmen and loyalists to Charles II. He favored their cause, but acted, as they did, with little energy, and the matter dragged along till 1679, when Charles II made New Hampshire a separate Province, as his father had intended, and put Mason into the Council to assist his first royal Governor, Cranfield, in the control of the little colony, which then had less than 5,000 people, but was prosperous and growing fast. Mason was afterward made a Councillor in the government by Sir Edmund Andros, of New England and New York, and died at Kingston, N. Y., in 1686, while on a tour of duty in that office. He had long resided in New Hampshire, usually at Great Island, where, after 1682, Barefoote had a house and usually lived. But all Mason's opportunities availed him little; he always took things by the wrong handle, and the support of Randolph, who vibrated between England and New England, could not help the incapable heir forward. In October, 1685, Randolph wrote to a friend:

> It is proposed that Mr. Mason should quit his pretensions in New England, and lay all at his Majesty's feet [James II] upon the King's making him governor of Bermuda, and allowing him and his heirs two or three hundred pounds yearly, forever, to be paid out of the quitrents. And now, since charters are at so low an ebb, I fear his grants will hardly hold out, upon a trial at the Council Board. His enemies have the larger purse.

At this time Randolph, who had generosity mingled with his animosities, was allowing Mason £20 a year, towards his maintenance. Two months before Mason's death in 1686, Randolph wrote from Boston: "My cousin Mason can make no progress in his business: he has attempted to try his title at Pascataqua, but has been delayed by the judges, and the inhabitants are far more obstinate than formerly; Mr. West, my deputy secretary, having told some of them that his title is little worth. . . . They are for leaving him out of all."

The year before Mason's death in the Province of New York he endured an assault in New Hampshire at the hands of Barefoote's brother-in-law, Thomas Wiggin of Dover, in spite of all that the Captain, now grown old, could do to protect him.

Mason testified in March, 1686, that on the 30th of December, 1685, after he had posted placards calling on the New Hampshire planters to recognize his rights as landlord, and pay their rents as required, two of the recalcitrants came to Barefoote's house on Great Island, — he being then Deputy Governor of the Province, — when a fray occurred, which has often been described.

VI. *Edward Randolph.* Although never a settled resident on the Pascataqua, or, indeed, anywhere else in the English Colonies, this gentleman (born at Canterbury, England, in July, 1632, and dying in one of the Southern or West India Colonies about 1704) was so closely, variously and persistently connected with the efforts to supplant Puritanism here by the Church of England, and to change our system of land tenure, that he was more formidable to the planters in New England of the Puritan faith and practice, than all of those already mentioned. He also outlived them nearly all, and was far more active and influential than any of them. His life and correspondence have been printed, but in so many volumes, and at such an interval between the first and the last, that few except close students of our early Colonial history are familiar with his busy, adventurous and malicious career. Edward was the son of Dr. Edmund Randolph, an educated physician, of University College, Oxford, and the nephew of John Randolph, ancestor of many of the Virginia Randolphs. His grandfather, Bernard Randolph, a wealthy clothier of Kent, married an heiress in that county, Jane Boddenham, and his descendants inherited her manor of Lessenden, and held it till the last Randolph (Rev. Herbert) sold it in 1808. Edmund, the fifth son of Bernard, was born in 1600, educated in medicine at Pavia, admitted *ad eundem* at Oxford in 1628, married Deborah, daughter of Giles Master of Canterbury, and spent his after life as a physician in that cathedral town. His monument in St. George's church there has a quaint Latin epitaph, which as it has been incorrectly punctuated in his son's life, I will here copy:

Edmundus Randolph, ex antiqua familia ortus, medicinæ doctor exercitatissimus, aliorum prolatando vitam, decurtavit suam.

Numerosa auctus prole, filiis decem, molliorisque sexus quinque, mundum simul ac domum locupletavit suam. Hisce libens, sociam dedit operam Deborah femina, si quæ alia spectatissima, Dni.

Ægidii Master, nuper de civitate Canturiæ, Armigeri, filia quarta, uxor semper fida, semper impense dilecta.

Ultima Lethi
Vis rapuit rapietque gentes.[1]

Edward seems to have been the second of these ten sons, with known brothers, Giles and Bernard, named for their two grandfathers, and both deputies of Edward at Boston in New England. Edward was educated to the bar, but seldom practised; the Revolution of 1640 interrupted his way of life, for he was on the losing side. Before the Restoration of Charles II he had married in his native county of Kent, Jane Gibbon, sister of Matthew Gibbon, great-grandfather of the historian Gibbon. Another of her brothers Gibbon married Anne Tufton, granddaughter of Captain John Mason, — so that Mrs. Edward Randolph was aunt of the unlucky Robert Mason, whom her husband calls "cousin." Upon the Restoration Randolph began to get offices from the royal administrations, and Mason had his land-titles favored by the easy-going king, without deriving much benefit from that favor. Randolph, however, beginning as a commissioner to buy timber for the navy, in 1661, held one office after another for more than forty years, in course of which time he served four sovereigns, all Stuarts, and probably died in an onerous and ill-paid revenue office, which had brought him into incessant quarrels in every Colony from Maine to Carolina, and had made personal enemies from twenty to fifty, perhaps a hundred, important Colonial officials; against whom he had brought all sorts of charges of inefficiency or maladministration. He secured the abrogation of the Massachusetts Charter, and had previously procured the establishment of New Hampshire as a royal Province.

Randolph and his official friend in London, William Blath-

[1] This bit of Horace is from the 13th Ode of the Second Book, on sudden death; but in changing "improvisa" to Ultima, the copyist spoiled the poet's quantity. Translated, the epitaph ran, — "Edmund Randolph, sprung from an ancient family, an all-experienced doctor of medicine, in prolonging the life of others abbreviated his own. Endowed with a numerous offspring, he enriched the world and his own household with ten sons and five of the softer sex. To these did his wife, Deborah, fourth daughter of Gyles Master Esq. late of Canterbury Town, Admirable among all women, joyfully give her domestic care.

Death's sudden stroke,
Snatched and will snatch all folk."

wayt (as he signed his name), procured the appointment of a needy spendthrift about the court of Charles II, as the first royal Governor of the Province of New Hampshire, upon an understanding that this Edward Cranfield, who hoped to make his fortune in New England, should share his gains with Blathwayt and one or two others in London. But he also may have had secret instructions from the king to promote the royal scheme of uniting Maine and New Hampshire in one principality for Monmouth. Cranfield's confidential letters to Blathwayt, published by the Prince Society, shed much light on the base character of this governor, and the bad faith of himself and Randolph toward each other and the public. Both took part with Robert Mason in his defeated attempt to hold New Hampshire as lord-proprietor; and Cranfield intimates that he was offered by Mason one of his daughters in marriage, with a good share of the rents of the Province as a dowry. He was also promised £150 a year by Mason for aiding him in the courts to collect his rents, and this seems to have been paid. It was one of the charges against Cranfield which led to his recall by the Earl of Halifax in 1685.

In Cranfield's efforts to raise money by illegal taxation, he was stoutly opposed by one of my ancestors, Edward Gove, who further undertook to make an armed demonstration against Cranfield and the Duke of York, early in 1683. It failed, whatever its real purpose was, and Gove, in February, 1683, was convicted of high treason, and ordered to England for execution, under the barbarous law of treason then in force. Randolph, who, in the exercise of his revenue office, crossed the Atlantic often, undertook to convey Gove to England for execution, and Cranfield, expecting to gain much money from the confiscation of his estate, wrote thus to Jenkins, secretary for the Plantations:

I send you on the ship Richard, under Mr. Randolph's care, Edward Gove, an assemblyman, who is condemned to death for raising a rebellion in this province. I intended to execute him here, for terror to the whole party, who are still mutinous, — had my commission allowed it. I cannot, with safety to myself and the province, keep Gove long in custody; for, because of the great expense of guards for him, I have reason to fear that he may escape. Moreover, by my commission I am ordered to send home rebels; and if Gove escape the sentence of the law, there is an end of the

king's government in New Hampshire. . . . I hope to keep the peace; but I beg that Mr. [Edward] Randolph may be sent back to me with a small frigate, to await orders; otherwise I can promise the king little success in the charge committed to me. Mr. Randolph has been very diligent; he now undertakes the duty and cost of transporting Gove. I cannot repay him from colonial funds, as they are brought so low by the expense of Gove's rising. I beg, therefore, that his expenses may be allowed.

Probably they were, or we should have heard something more from Randolph, who was not backward in urging his claims and aspersing Cranfield. He delayed sailing from Boston till the end of March; for there is a warrant by Cranfield to Henry Joules of the *Richard*, bidding him "to transport Edward Gove, lately sentenced to death for high treason, to England, there to be executed, according to the king's order." This is dated March 29, 1683, when Cranfield was in Boston; from which town he wrote to his crony, Blathwayt, in London, June 19, that he was watching the Bay Puritans, adding:

Gove's estate was so inconsiderable, and so conveyed away, that all I could make of it was 200 pounds in money of this country, to be paid at several times, — the first payment not being till January next; and then I will return you a third part of it; which shall be your portion for the future of all advantages that shall arise to me here, or wherever I am employed in his majesty's service. (January 16, 1684). I find that Mr. Cooke hath an expectation from the confederates of Gove. I do assure you, and so doth Mr. Randolph know, that they are not worth anything; else he might be sure I would have taken care that he should have been considered. But out of Gove's estate, which was appraised at £200, to be paid in two years, he may depend upon 20 pieces. The first payment is to be the beginning of March, and the other 100 pounds that time 12 months, — but he shall receive his out of the first payment.

Randolph with his convict landed at Falmouth late in May, and delivered him at the Tower, June 6, 1683. The next day the lieutenant of the Tower inquired of Sir Leoline Jenkins if the king will pay the board of Gove, — as he did, at £3 a week. He added: "I keep two warders with him, one to lie in his chamber, and the other never to be out of his sight. Our warder houses are so full of our officers that we have no place for prisoners."

Four days after this double guard of a harmless Puritan, Gove himself wrote to Randolph, with whom he had made a friendly acquaintance on the voyage:

I make bold to trouble you with my affairs, who are a person that knows my circumstances very well. You know my case, and what to urge in my behalf; had I known the laws of the land to be contrary to what was done, I would never have done it. You may well think I was ignorant of any law to the contrary, since for 14 or 15 years past the same thing hath been done every year, and no notice at all taken of it.

What this meant, I cannot say: his demonstration alarmed Cranfield and Barefoote, then captain of the fort on Great Island, where he held Gove in irons. Gove went on to say to Randolph:

I have further to request of you (if it may not be inconvenient) that you will please to assist me in my necessity with some money; and, so far as my promise may signify in the case, do promise that, whatever you will be pleased to furnish me withal here, you shall take it out of my estate in New England. These things I desire you will be pleased to do for me, — whereby you do me great acts of charity, and always oblige me to remain, honored sir, to command, to my power.

What Randolph may have done besides advancing money to Gove, is not on record; but when Gove's case came before the privy council in August (the famous Earl of Halifax presiding) it was merely decreed to hold him in the Tower during King Charles's pleasure, who refused to execute him. Great wrath against Cranfield existed in New Hampshire. The incensed colonists raised a fund and sent Justice Weare to London to complain of his misdeeds; his friend, Randolph, turned against him. Writing from London, July 26, 1684, Randolph said: "Wyre hath lately put in articles against Mr. Cranfield, which render him here a very ill man, and in time will do his business." In March, 1685, writing to a bishop, he added:

Whoever goes over as governor, with expectation to make his fortune, will disserve his majesty, disappoint himself, and utterly ruin that country. . . . Very unlucky for the king's service was the sending over Cranfield to New Hampshire, who by his arbitrary proceedings has so harassed that poor people. . . . He has

quite ruined that place; and his open immorality, as well in Boston, where he hired a house and told them he had assurance of that government, upon vacating their charter, was one great reason why the Bostoners did not submit upon my last going over.

In April, 1685, Halifax, president of the Privy Council, wrote a letter to Cranfield censuring him and intimating his recall, at the same time saying to persons who reported him to the French envoy, Barillon, "that the laws in force in England ought to be established in every country inhabited by Englishmen; that an absolute government is neither so happy nor so safe as that which is tempered by laws; and that he could not make his mind easy to live in a land where the king had power to take money out of his pocket whenever his Majesty saw fit." Meantime Charles II had died (February, 1685), and James II had succeeded, with Halifax still at the head of the Council. September 14, 1685, this pardon of Gove issued from the Council:

James R. Whereas, Edward Gove was near three years since apprehended, tried and condemned for High Treason in our Colony of New England in America, and in June 1683 was committed prisoner to the Tower of London. We have thought fit hereby to signify to you Our Will and Pleasure that you cause him, the said Edward Gove, to be inserted in the next General Pardon that shall come out for the poor Convicts at Newgate, without any conditions of transportation; he giving such security for his good behavior as you shall think requisite. And for so doing this shall be your Warrant.

Given at our Court at Windsor the 14 day of September 1685, in the first year of our Reign. By his Majesty's command.

SUNDERLAND.

To our Trusty and Wellbeloved Recorder of London, and all others whom it may concern.

Gove, for some reason, remained in captivity till March or April, 1686, and was thus in the Tower when the Duke of Monmouth was brought in, a prisoner under sentence of death. He had previously, in the year 1683, seen the arrest and execution of Sidney and Russell, preceded by the murder of Essex in his room; and had heard, in so much of the gossip of London as reached his seclusion, of the avowal of Charles that he was a Papist, like his brother, and all the rumors of that evil time.

At times, in Gove's life of seventy years, there were periods of insanity, in one of which his property, which was considerable for those days, was put under guardians; and this may explain eccentricities in his conduct. He is said to have come home with a fancy that his food in the Tower had been poisoned, — a common delusion of the insane. But the confidence of his countrymen was not withdrawn from him; and in 1690 he joined with twenty others in framing a temporary constitution for his small province, during the interval between the two charters of Massachusetts, and the modifications of New Hampshire's form of government. King James had directed his property to be restored to him; and it is to be hoped that Cranfield had to disgorge his hundred pounds. But details are lacking. Cranfield was very angry with Randolph, when he got back to Bristol from Barbadoes in January, 1686. He called on Sir Robert Southwell, a friend of Blathwayt and Randolph, who thus reports him, in a letter from King's Weston:

> Mr. Cranfield came in [January 5] telling me that upon sight of my livery, he could not forbear to find me out. In a very short time he fell to rail bitterly against Mr. Randolph; that he had sent home affidavits against him and other malefactors, but all his complaints were supprest; that he had contended with two open rebellions in his government, and thought it a blessing to be well rid of it, and the more since Mr. Blathwayt had been unkind to him. I asked him whose fault was it if he had caught a Tartar, and found some disappointments in the thing he so much desired? He told me he never had desired that government; that it was only your importunity that made him go. . . . He raised his own merit above all, saying he was a gentleman wellborn, and that his grandfather was the first that discovered the gunpowder treason; but Randolph was a scoundrel.

I suppose Cranfield to have been the great-grandson of the Baron Morley and Monteagle, who disclosed the powder plot in November, 1605, by which disclosure several of his friends lost their lives. Cranfield himself was astute in plots, but not capable of carrying them to success; in that point Randolph was his superior, and in some ways a better man.

The immediate object of Cranfield in having Gove's trifling demonstration treated as a treasonable insurrection was, that

he might personally profit by the confiscation of his property, which he fancied larger than it was. In the two volumes added two years since by the Prince Society to their memoirs of Randolph, from secret material among the papers of his friend and patron, William Blathwayt (generally called Blaithwait), more light is thrown on the motives of Cranfield than has come to my notice elsewhere. The charges made by his victims and opponents might be exaggerated, but in these confidential letters and interviews he disclosed himself to clear view. It was Blathwayt who procured him the office of Governor of the small royal Province in 1682, and with a distinct understanding that he was to make money, and share his gains with his patron and one or two more in England. It is also likely that he had secret instructions from Charles II to procure the annexation of Maine to New Hampshire, in order to form a County Palatine for his bastard son, Monmouth, which was once a favorite scheme of Charles. At any rate, Cranfield, soon after landing, in October, 1682, took up zealously this scheme, as likely to be profitable to himself and to Blathwayt. In one of his first letters from Portsmouth (December 1, 1682) he wrote:

> If the province of Maine be added to this Government, please to prevent any patent for Secretary and Provost marshal, or for lands, or other things at his Majesty's disposal here, and give me notice of it. And let the appointing of a man or men for that service be left with me, and I will take care to put in such whereby the interests of yourself and my friend Gwinn may be served with my own. And the consideration of my serving the King here without salary may help the matter to come off the easier; whether it be secured to us by way of patent or otherwise, as you think fit.

Cranfield's schemes, like those of Robert Mason about the income from his New Hampshire leases, were golden dreams, of which here is a sample, in his letter to Blathwayt of February 20, 1683:

> I give you my faith that you and Mr. Randolph shall come into an equal part of everything that tends to profit. First, as to the settlement of the Province of Maine, — we shall at least make £3,000. The Narragansett country lies between several claimers; both parties have money, and three or four thousand pounds will not be felt in the disposal of those lands. As for Boston, there are

some persons to be exempt out of the pardon, who will buy their pardon at 8 or 10 thousand pounds' price; besides, there are several grants of town lands, which will in a year or two come to be removed, to pay above £2,000 upon their new leases. The excise and Customs yearly paid come to about £1,500, — and there is above £5,000 money which was collected for the Evangelizing of Indians, now out at use in the country; which, by commission may be inspected into and regulated: with other advantages which will arise in the settlement.

After these great expectations, none of which were realized, it was a wet blanket to find that all Cranfield could get out of the confiscation of Gove's property was a poor £200, to be divided between himself, Blathwayt and a third pal named Cooke. In this whole affair it is plain that Gove, without intending it in the least, became an instrument; for his imprisonment, and the exactions of Mason and Cranfield (to whom Mason's daughter had been promised, with a dowry of £3,000), led to the recall of the Governor and the defeat of all Mason's claims, though these were kept up for a century longer. Randolph had his own expectations of profit from land-grants, fees and pardons, — the whole plot for which Cranfield in this secret intrigue disclosed; but, like his false friend, he was thwarted, and, of all men in the world, by Colonel Dudley, during the years 1686–89. When, after long delay, the Massachusetts Colony Charter was abrogated, and the new Stuart government set up in Boston, with Dudley as President of the Council, in 1686, Randolph became Secretary of the Council, and John Usher its Treasurer.[1] Their prosperity was but brief; for in April, 1689, Randolph was seized, along with Andros, Dudley and other supporters of James II in Boston, and imprisoned at Castle Island, for weeks, waiting to be sent over to William and Mary in London for trial upon charges made by Bradstreet, Hutchinson and the other Massachusetts men who had rejected Andros and Dudley and set up the old Charter government.

[1] This connection with Usher, who escaped with little suffering for his share with Dudley and Andros, and soon became lieutenant-governor of New Hampshire, gave point to what Randolph wrote to his friend Blathwayt in March, 1693, during a war with France in which New Hampshire suffered much from Indians: "After all I hear, my neighbor John's bed of honor, Pascataqua, is about 3 or 4 parcels of miserable wretches in poor garrison houses instead of towns."

By 1692 Randolph had cleared himself in England, as Andros and Dudley had done, from the accusations against him, and was back in the Colonies as a revenue officer, vigilantly on the watch for irregular trade to interfere with the English colonial monopoly, which had suffered greatly during the disturbed years 1689–92. Dudley also was back, but not yet in Boston. He had an official appointment covering New York and New Jersey, and had fallen out of Randolph's good graces. In 1685 nobody was more fit than Dudley, in Randolph's opinion, to have high place in New England, and he obtained it largely through Randolph, I suppose. But seven years later the wind blew from another quarter. Writing to Blathwayt from New York, August 16, 1692, Randolph said:

I question not but you have been plentifully addressed by Mr. Dudley from the first, shewing how forward he has been, and what pains he has taken to have your salary as auditor allowed and duly paid; how diligent to seek the peace and promote the good of this people, etc. Such topics he can write largely upon, but every word is false. . . . No accounts are audited. Pinhorne only withstands it, in avowed prejudice to you, — being Dudley's creature, and of the New England faction. Dudley, Johnson and Pinhorne have no estates in the Province [New York,] and it's a great heartburning to most of the inhabitants that mere strangers should be appointed to dispose of their lives and estates. . . . I am unwilling to detain you to make unnecessary reflections upon Joseph the Jew (for so now Mr. Dudley is called); yet I may not without injustice be wholly silent. I omit the bribery and injustice, the perjury and flattery commonly charged upon him at the trial of those persons who ruined a thriving country and an industrious people. . . . After this, and a long chain of his frauds and briberies, known and felt by too too many in this Province, must their Majesties' interests, the peace and preservation of all that is good in the Province be sacrificed to the boundless ambition of this Ignis Fatuus? I have no prejudice against Mr. Dudley; what I have wrote is experimentally true. . . . Had Dudley been in the Province, and succeeded Govr. Slaughter, he would, Judas-like, have sold his King, his country and the liberty of the people to the next frank bidder.

Exactly when and how this animosity to Dudley began, does not yet appear. Randolph had usually been a straightforward person, if compared with several on both sides of that great controversy over the colonial charters, which began in

Charles First's time, and was still unsettled at the outbreak of our Revolution in 1775. Randolph, like his wife's kindred, the Masons, was steadily opposed to proprietary charters, although he supported Robert Mason for a time in his claim to dispose of New Hampshire in block, under a system of quitrents. He had a sharp controversy with William Penn over his proprietary government in Pennsylvania and Delaware, and epithets were interchanged between them in King William's reign, — that monarch being also in favor of making the Colonies Crown Provinces, as New Hampshire and Virginia were. Randolph complained that Scotch merchants and shipmasters had too much their own way in Maryland and Pennsylvania, and that Penn had made a Scotchman Secretary of his Province. He implied that the other officials in Pennsylvania were poor men and therefore open to bribes from the illegal traders, and those whom Randolph terms "pirates," — who seem to have combined smuggling with actual piracy, under the guise of privateering. William Penn replied angrily to these complaints, for which there was certainly some foundation,— writing to the House of Lords Committee, March 1, 1697:

> That the Governor favors pirates is both foul and false.
>
> That Patrick Robinson is a Scotchman and Secretary is true: but that he is by the laws of England capable of being so, is as true. But he was not of my making, and if the King thinks it improper, he shall be immediately removed. . . . For what concerns Randolph's reflections upon our judges, they are honest and substantial men, — one of them being worth 50 times the estate of the reflector. . . . That Col. Markham desired the Collector's place can be no fault to the King, that I know of, nor to himself if profitable. But if his poverty be an objection, he shall be changed if the King pleases: but for that reason E. Randolph ought not to be Surveyor of the Customs; who, I have reason to believe, is not worth 500 pounds, if one, in the whole world.

It is true that Randolph, though almost all his life in office, was never a rich man, nor in fact independent. He endured hardship in the discharge of what he thought his duty; was imprisoned nine months at Boston in 1689–90, for a shorter time in Maryland, and for nine months at Bermuda in 1699. He was threatened with a "drubbing" by Sir William Phipps in the summer of 1692; at which time he renewed his visits to

Pascataqua, where, ten years before, he had co-operated with Cranfield the Governor, and Mason, his kinsman, in oppressing the planters, in order to force them to pay rent to Mason and take titles from him to their own lands. He, had however, been friendly with Gove, and aided him to recover his estate. The Duke of York, when James II, pardoned Gove in 1685, and ordered his confiscated estate to be restored to him, — a small meadow in which I now own by inheritance. Gove made friends with Randolph, and they spoke kindly of each other. When he came to understand the situation in Virginia, where his uncle John Randolph had been one of the large proprietors, Edward Randolph saw the mischief that large estates were doing in a new colony, — the same that *latifundia* were doing for Italy in the days of Tiberius Gracchus. Writing to the Board of Trade, in the summer of 1696, from Virginia, he said:

Whence comes it that Virginia, the first English settlement upon the continent of America, begun above 80 years ago, is not better inhabited? considering what vast numbers of servants and others have yearly been transported thither. Some have imputed it to the unhealthiness of the place. But the chief or only reason is, the inhabitants and planters have been discouraged and hindered from planting tobacco, and servants are not so willing to go there as formerly, — *because* the members of the Council, and others who make an interest in the government, have from time to time procured grants of very large tracts of land. So that there has not for many years been any waste land to be taken up by those who bring with them servants, or by servants who have served their time faithfully with their masters; but it is taken up and ingrossed beforehand; whereby they are forced to hire and pay a yearly rent for some of those lands, or go to the utmost bounds of the Colony, for land exposed to danger from Indians. . . . Such grants being procured upon easy terms, and very often upon false certificates; many hold 20,000 or 30,000 acres apiece, without paying one penny quit-rent for it. . . . Whereby some 100,000 acres are taken up, but not planted; which drives away the inhabitants, and servants brought up only to planting, to seek their fortunes in Carolina and other places, which depopulates the country.

Randolph therefore recommended several things; that his cousin William Randolph, then Attorney General in Virginia, be removed for incompetence, and that Edward Chilton serve

as Attorney General for Virginia, Maryland, North Carolina, Pennsylvania and West Jersey; that no grants of more than 500 acres be made, and all grants be revoked where the conditions had not been complied with; and thus 100,000 acres be in the hands of the Crown, under a competent Attorney General, fit for granting in small estates to actual settlers. He then added:

> The granting away such lands in parcels not exceeding 500 acres to one man, will mightily increase the number of planters; who, through necessity, will seat themselves in a far nearer neighborhood than formerly, and thereby be better enabled to secure their country, their families and plantations, from spoil and rapine. And many thousand hogsheads of tobacco will be yearly made, more than were formerly in that colony; the trade, the shipping and the navigation of England will be encouraged, and the revenue of His Majesty's customs upon tobacco thereby yearly increased.

Doubtless this would have been the result; but the policy was not adopted, and Virginia continued to increase in black slaves more than in white freemen. In New England the opposite result occurred, for the Churchmen on the Pascataqua failed in their plans for great estates and glebe lands, and clergymen appointed by squires, in the English fashion. Randolph lived to see that failure, and to learn that it was a bad policy, though favored by the Stuart kings and the archbishops of the English Church "as by Parliament established." With all his malice and vituperation he had good common sense, and apparently, like his New Hampshire partisan Barefoote, much kindness of heart where partisan politics were not involved.

VII. *Nicholas Shapleigh.* This last on my list of Churchmen was almost the only one who left acknowledged descendants in the Pascataqua region, except Robert Mason. He was, like several of them, from English Devonshire, and became a considerable owner of lands in Maine and New Hampshire. Like Archdale, he became a Quaker early, but whether for spiritual or material or political reasons, is not clear. He was connected by affinity with the Hiltons of Exeter, who had so many and so various dealings with Walter Barefoote, but does not seem to have been as conspicuous as that family in the affairs of early New Hampshire. Shapleigh joined with his political friends in opposing the Massachusetts domination in Maine, but

without much success, except in escaping the severe decrees of the Puritans for moral or political transgressions. Outwardly respectable, as Barefoote and Greenland were not, he seems to have kept within the limits of accepted law, and when affairs settled down his kindred became peaceable and law-abiding citizens except for such statutes as affected the Quakers.

Upon the whole, these Churchmen on both sides of the Pascataqua did not succeed in establishing a class of landed gentry in Maine and New Hampshire, as their fellow worshippers and Stuart loyalists did in Virginia; although large estates, owned for the portioning of children or the increase of wealth by grants and sales, were long familiar to the more prosperous planters of New England, in each of the Colonies that constitute the present six States. This difference between the practical land-tenures of the Northern and most of the Southern States of the Union, as it existed in 1820, accounts in part (but only in part) for the fanaticism with which the oligarchy of slaveholders adhered to their vicious and outgrown "institution," in defence and propagation of which they fought the Mexican War and insanely brought on the Disunion War. It is only in a community of large landed estates that negro slavery has been able profitably to exist in modern times; and one of the most beneficent results of the emancipation of slavery (against which General Lee fought strenuously for three years, until he saw that slavery was doomed), has been the breaking up of the great plantations at the South, and the ownership of land for cultivation in small farms.

Mr. Brooks Adams presented a paper on

## The Seizure of the Laird Rams.

### *Part I.*

Rather more than two years ago my brother, Charles Francis Adams, erected a monument to my father in the church at Quincy, and ever since I have meditated upon how I could, in commemoration of that event, best explain why my father impressed himself upon me as the most remarkable man I have ever known. It was not, I apprehend, because he was

particularly versatile or brilliant; on the contrary, he was rather silent and restricted in the sphere of his interests; but it was, I think, because he possessed in a fuller degree than any man I ever met that poise and unity of mind peculiar to the eighteenth century, qualities which reached perfection in General Washington.

As my father was born in 1807 and I in 1848, I have some consecutive remembrance of him only as he neared fifty, and just before he began his public life. At this point of my childhood I recall him best in his study in Boston, where I listened to his talk with Charles Sumner and John G. Palfrey about slavery; or, what I liked much better, teased him into reading Æsop's Fables to me out of a charming copy bound in blue, filled with engravings, in which I delighted. In Quincy he seemed to me to correct proof sheets endlessly. They were the proofs of the *Works of John Adams* which he was editing, and while he corrected I would sit at his table and pretend to study my lessons. I was a trying child, for I was restless and inattentive, and I have often wondered how a man as quick-tempered as my father could have been so patient with me. One night, in particular, I can see myself sitting at his table, where I was supposed to be busy with my book, but where instead I was wondering whether there was really red ink in a large glass inkstand in front of me. Stretching across a heap of proof sheets, I possessed myself of the inkstand, and then, putting my fingers across the mouth, I deliberately turned it upside down, and immediately a deluge of red ink ran through my fingers, flowed down the proof sheets, and began to trickle into the chair. Though my father, at a scream from my sister, who was sitting near me, seized the inkstand, I do not think he boxed my ears, or even scolded me much. He was rather grieved, apparently, to perceive how utterly he failed in training me to fix my attention on what I was doing. I really think one of the trials of his life was my inattention. He was always toiling with me and always failing, until he grew too busy to attend to me, when he handed me over to others who, I regret to say, succeeded no better than he. But in spite of my inattention he must have been fond of me, for he liked to have me with him, and he took me for long walks and told me stories of his boyhood; how he had travelled in a carriage alone with

his mother across Europe from St. Petersburg to Paris, in the winter of 1815, to join his father, who had been at Ghent; how he had seen Napoleon at a window in the Tuileries during the "hundred days"; and how after he came home he used to pass his winter vacations with his grandfather in his house at Quincy, when his chief occupation was to read French to John Adams and listen to his tales of the Revolution. Those winter vacations he always remembered for the cold, since being the youngest he sat at dinner farthest from the fire, and envied his grandfather, who had his back to it. In short, my father adored his children, was very domestic, never left home without his wife if he could help it, and disliked clubs. On that subject he was often eloquent to me, and there is a characteristic entry in his diary touching two of the most exclusive and desirable clubs in London. One day in 1862, after he had been more than a year in London as minister, he happened to attend some function at the Athenæum to which he had been specially invited, and on returning he made this note: "Although I was admitted a member on my first arrival here, as well as to the Travellers, I am so little of a club man that I have never set my foot in either before."

Ten years later we travelled alone together for some months in Europe, when I admit that I found my position difficult; but as soon as my mother joined us he became contented and sunny. He could not get along without his wife, and he never tired of impressing on me the importance of a man's marriage, because, said he, "I should never have amounted to anything without your mother. But for her I should have been a recluse."

In 1858 the Quincy district sent my father to Congress, and when I was eleven he took me with him to Washington. I do not know that what I saw there astonished me as a child, for it seemed to me as part of the order of the universe that others should defer to him, just as we all did at home; but as I look back the position he won in a single session seems marvellous. He almost immediately gained commanding influence, apparently without an effort, simply by force of character. Mr. Seward, especially, who was the prospective Republican candidate for the presidency, soon fell into confidential terms. Well do I remember Mr. Seward dropping in one wet winter afternoon for a chat. He sat down in an arm-chair, thoughtfully pulled

off his boots as he talked, and stretched out his feet, clad in blue knit stockings, to dry before the fire. My father and Mr. Seward had a somewhat similar cast of mind; they were cool tacticians, and they agreed in 1860–61 that the most important point to gain was time, so that the border States should not secede before Lincoln was inaugurated, and thus endanger Washington.[1] In support of this policy my father made a conciliatory speech, which Sumner never forgave,[2] and I have sometimes fancied that this breach between Sumner and my father had much to do with Sumner's course touching the arbitration of the Alabama Claims, which ended in permitting my father to win what I am now inclined to think was the most unqualified success of his life.

Meanwhile Mr. Lincoln had been elected President and had asked Seward to be his Secretary of State. Seward wished to have my father in the Treasury, but Mr. Lincoln had other views, and finally it was arranged between Seward and his chief that my father should be sent to England, in spite of Sumner's opinion that he was not fit for the post. And, indeed, there was something to be said for Sumner's doubts, for the mission was not only the most important on which any single American had probably ever been sent, but my father had never been in diplomacy, had never even had a thorough legal training, had never written a despatch, and had no experience in national public life beyond a single term in the House of Representatives. What I wonder at now is Seward's knowledge of character, and my father's self-reliance; for though he appreciated very imperfectly the full gravity of the situation in England, he yet knew enough to oppress any but a very rash or a very strong man, and my father was not rash. Many years afterward he said of himself, that his mission to England seemed to him "like a wild dream from which I awake with a feeling of safety."

For just a century before the Rebellion broke out, America had been rising toward both political and economic independence of Europe, and after 1850 it began to dawn on the European mind that if the democratic experiment in the West were to achieve its apparent destiny, privilege in Europe must end.

[1] *Proceedings*, XLIII. 660.

[2] Pierce, *Memoir and Letters of Charles Sumner*, IV. 9–13.

John Bright was constantly harping on this theme, and again and again passages like this occur in his speeches during our Civil War: "When I speak to gentlemen in private upon this matter, and hear their own candid opinion — I mean those who differ from me on this question — they generally end by saying that the Republic is too great and too powerful, and that it is better for us — not by 'us' meaning you [the laboring class], but the governing classes and the governing policy of England — that it should be broken up." Therefore, in 1861, the British landed gentry hesitated only in openly siding with the South, and dividing the Union, because they were not certain that the democratic movement at home might not have gone too far to make such a course safe. As a boy at school in England I saw these feelings in all their crudity. I always heard the North vilified or ridiculed, and John Bright denounced as an anarchist and a foe of order. For John Bright was the foe of privilege, which to my schoolmates meant order, and the representative in Parliament of the great levelling propaganda which terrified the aristocracy. The schism which split English society was almost as deep and fierce as that which rent American, and in March, 1863, just as the great struggle began over stopping the iron-clad rams building by the Lairds, John Bright and John Laird between them defined the issue with something akin to ferocity. On March 26 Bright addressed a frantically excited audience of trade-unionists in St. James's Hall, in London, and the next night Laird answered him amidst a cheering House of Commons. This was the Laird who had already built the *Alabama;* who had, on the day that Lord Russell issued the order to seize her, sailed down the Mersey on her with his daughter as on a party of pleasure in order to abet her escape; and who at that moment sat for Birkenhead and was notoriously building for the Confederacy two of the most powerful battle-ships in the world.

On March 26 Bright opened the vast meeting of working-men with these words:

> Privilege thinks it has a great interest in the American contest, and every morning, with blatant voice, it comes into your streets and curses the American republic. Privilege has beheld an afflicting spectacle for many years past. It has beheld thirty millions of men, happy and prosperous, without emperor, — without king, —

without the surroundings of a court, without nobles, . . . without State bishops and State priests, "sole vendors of the lore which works salvation" — without great armies and great navies, — without great debt and without great taxes, — Privilege has shuddered at what might happen to old Europe if this grand experiment should succeed. . . . There may be men outside, there are men sitting amongst your legislators, who will build and equip corsair ships to prey upon the commerce of a friendly power, — who will disregard the laws and the honour of their country, . . . and who, for the sake of the glittering profit which sometimes waits on crime, are content to cover themselves with everlasting infamy. . . .

I speak not to these men . . . I speak to you, the working-men of London, the representatives, as you are here tonight, of the feelings and the interests of the millions who cannot hear my voice. I wish you to be true to yourselves. Dynasties may fall, aristocracies may perish, privilege will vanish into the dim past; but you, your children, and your children's children, will remain, and from you the English people will be continued to succeeding generations.

You wish the freedom of your country. You wish it for yourselves. You strive for it in many ways. Do not then give the hand of fellowship to the worst foes of freedom that the world has ever seen. . . . You will not do this. (Cries of Never!) I have faith in you.

To this, on March 27, Laird replied:

I will allude to a remark which was made elsewhere last night — a remark, I presume, applying to me, or to somebody else, which was utterly uncalled for. (Hear!) I have only to say that I would rather be handed down to posterity as the builder of a dozen *Alabamas* than as the man who applies himself deliberately to set class against class (loud cheers), and to cry up the institutions of another country, which, when they come to be tested, are of no value whatever, and which reduced liberty to an utter absurdity. (Cheers.)

Whatever I may have felt as a boy at school touching the hatred of the English upper class, I can now look back upon what occurred during the Civil War with complacency, for not only did we win, not only did I afterward see Chief Justice Cockburn actually flee from the council room at Geneva when the award of the Arbitration was declared, but the malevolence of the aristocracy gave my father his opportunity.

Well do I remember the May evening in 1861 when the family arrived in London, and how almost at once the venomous atmosphere of the place began to oppress even a boy like me;

but my father, as far as I could see, remained composed, though the first news he read in his morning paper was the acknowledgment of Confederate belligerency. Then he must have realized what was in store for him. He must have known the complexion of the British Cabinet; that it was intensely aristocratic, and supposed to be one of the ablest that had sat during the century. Lord Palmerston, the Prime Minister, belonged to the influential Temple family, and had held office almost continually since 1807, the year of the attack of the *Leopard* on the *Chesapeake* in Hampton Roads. He had been nurtured in the traditions of the press gang, and had matured in the era of the arrogance of Waterloo.

Next to Lord Palmerston ranked Lord John Russell, the Secretary of State for Foreign Affairs, and the minister with whom my father had personally to deal. Lord John was the third son of the sixth Duke of Bedford, one of the most opulent and powerful nobles of England or of the world. Lord John was born in 1792, and in 1813, when he was not yet twenty-one, and only a few months after the *Constitution* captured the *Guerrière*, the Duke ordered Lord John's return to the House of Commons from the family borough of Tavistock, very much as he might have ordered for him a suit of clothes. It is true that Lord John afterward made his political fortune by supporting the Reform Bill, which made havoc with such convenient seats as Tavistock, but none the less he had the prejudices of his class as fully as Lord Palmerston, or as King William himself, who so cordially disliked him. Even his father remonstrated with him about his supercilious manners and the way in which he offended his followers in the House by treating them *de haut en bas*.

Mr. Gladstone was Chancellor of the Exchequer, and decidedly the most restless, as he was possibly the most interesting, member of the Government. Starting, in the first reformed Parliament, as an extreme Tory, Gladstone pretty early began to suspect that he could obtain what he wanted in life by a shorter path than conservatism, and in 1861 he was already nearing the parting of the ways. Perhaps the most flexible of all eminent English politicians of the nineteenth century except Disraeli, Gladstone was neither liked nor trusted by the class to which he by birth belonged, least of all by his chief,

Lord Palmerston. Indeed Lord Palmerston was far the more straightforward and the more reliable man of the two. Of all the public men who held office during the Civil War, Gladstone, though with radical proclivities, was the most inveterate and dangerous foe of the North. When the North prevailed, Gladstone, with amazing assurance, turned right about. He had an awkward record to explain, but inconsistency never troubled Mr. Gladstone. He calmly dismissed the subject by saying that when he spoke at Newcastle in 1862, advocating in substance an alliance between England and the South, he must have been demented. He was not demented at Newcastle, he was only then what he remained until death, — the most slippery of men.

Perhaps Gladstone was best described by William E. Forster. Forster was too frank to harmonize with Gladstone, and the time came when Gladstone dropped him from his Cabinet. Afterward when Gordon was besieged in Khartoum, Forster tried to make Gladstone relieve him, but Gladstone, finding it inconvenient to do so, pretended to believe that there was no danger. By this time every one who knew Gladstone recognized that he could convince himself of anything that served his purpose, and one night Mr. Forster, in the heat of debate, blurted out the truth. What he said made a great commotion, but it was never forgotten. "I believe every one but the Prime Minister is already convinced of that danger, . . . and I attribute his not being convinced to his wonderful power of persuasion. He can persuade most people of most things, and, above all, he can persuade himself of almost anything."

In May, 1861, Lord Campbell held the Great Seal, but he died in June. The Attorney-General, Sir Richard Bethell, succeeded him, under the title of Lord Westbury, and few people pretended either to like or trust Sir Richard. Four years afterward he achieved a distinction which no other chancellor had achieved since Lord Macclesfield in 1725. Parliament removed him from office for practices so questionable that they could not be ignored.

The rest of the Cabinet were less conspicuous, but they were, as a rule, men of good ability, and they reflected pretty fairly English Liberal opinion until it shaded into the radicalism of John Bright. With one or two exceptions, all of them, prob-

ably, would have liked to dismember the United States. They differed chiefly as to the risk they were willing to run. Consequently men like Palmerston, Gladstone, Russell and Bethell were much occupied in devising means to succor the South safely; only Palmerston and Russell preferred to work aboveboard, if they could, while Bethell was a natural secret conspirator. All of them were politicians of long experience, of proved ability, and, except Bethell, not much more unscrupulous than successful political managers are apt to be.

Diplomats hated Palmerston, for he was the incarnation of arrogance. Nothing, for example, could exceed the brutality with which he had trampled on the helpless Greeks in the Don Pacifico affair. Still, this did not hurt him with Englishmen who understood him and liked him, and also liked his arrogance. He had a sure instinct for the drift of English opinion, especially among his own class. Lord John was not so popular, and was rather more than suspected of slackness in truth-telling, while Gladstone was notoriously shifty. Bethell's reputation was not good. All the ministers were, of course, at home, surrounded by lawyers and secretaries, and enjoying every facility for obtaining advice and information. The British Foreign Office, in particular, boasted of its admirable staff and of its perfect equipment.

Mr. Adams confronted this whole phalanx alone, in a strange and hostile land, and at the head of a legation preposterously ill-prepared for an emergency. His one advantage was that, being himself in his prime, he represented a people who were still elastic and nerved to the point of exaltation by the imminence of their danger. The English aristocracy were, on the other hand, moribund, and were largely led by men in the decline of life. In 1861 Lord Palmerston was seventy-seven years old, plainly failing in vigor, so much so that he avoided when he could severe parliamentary strains. Thus, though the British aristocracy were outwardly as haughty and supercilious as ever, they were at heart growing timorous, and were approaching a period when they would recoil before a resolute adversary even when the odds strongly favored them. Lord Morley had cause afterward to notice this phenomenon, and has commented upon it, in his *Life of Gladstone*, when speaking of the Reform Bill of 1867: "The same timidity that

made the ruling classes dread reform, had the compensation that very little in the way of popular demonstration was quite enough to frighten them into accepting it;" [1] and what was true of England in 1867 was beginning to be true of England under Palmerston.

With such antagonists the position of an American minister was extremely difficult. A moment's irresolution or apparent timidity would have brought him into contempt, and irritability or bravado would have made him ridiculous; while truckling would have ruined him both abroad and at home. To succeed he needed to have at once good manners, absolute firmness, and perfect knowledge of the law and the history touching the controversies he had to handle, for he had no one to help him. Beside all this he must have a profound and intuitive insight into English character. He stood between an exasperated people in America and an insolent, contemptuous, unscrupulous and vindictive aristocracy in England.

As the summer of 1861 wore on amidst Federal disasters, the rancor which had begun to seethe in England against the North with the attack on Sumter, changed into a feeling akin to contempt; so that when in November Captain Wilkes took Mason and Slidell from the British ship *Trent* in the West Indies, an explosion of mixed anger and disdain followed in England which in the twentieth century seems incredible. By the American jurist or statesman the act of Wilkes can only be considered to have been exceeded in its impropriety by its stupidity, for Mason and Slidell, as prisoners, were of no value to the Government at Washington; while, ever since the time of General Washington, Americans had been protesting against, and sometimes fighting to avenge, just such outrages on neutrals as he committed. And yet Lord John Russell, the liberal, without giving President Lincoln time to disavow the act of his officer, wrote a despatch so insulting in tone that it revolted the Prince Consort, who insisted on redrafting it. Even as it stood when sent, this note demanded peremptorily an apology and the surrender of the prisoners within seven days. There can be little doubt touching the intent of the men who acted thus. When the news of the *Trent* reached London, Lord Palmerston and Lord John Russell fully intended to provoke

[1] *Life of Gladstone*, II. 227.

war, and this was the construction put upon it by John Bright and by most friends of the North. To keep the excitement hot the newspapers, which were organs of the Government, were rampant in invective, troops were hurried to Canada, the fleet on the American coast was ordered to prepare for action, and Mr. Adams' notification to the Cabinet, that Wilkes had acted without instructions, was suppressed.

However rashly an American captain may have behaved, or however foolishly the American people may have been expected by an Englishman to act when under strong excitement, it was poor policy for a British Minister of Foreign Affairs, who wished to pick a quarrel with the United States, to throw away every conventional rag of decency as did Lord Russell, when the news of the *Trent* reached London; for by so doing he finally raised a formidable resistance at home, and he also brought out some of the strongest qualities of his antagonist, the American Minister.

Law is only a formula of words which makes intelligible to mankind a movement of energy, and as the energy varies in power or direction, so does the law vary. The difficulty with which statesmen and judges always contend is that they have to guess, at any given moment, whether the law on which they rely is still vital, or whether it is dead and will give way beneath them.

When Lord Palmerston and Lord Russell were young, the only law which England knew upon the ocean was her own will. If she wanted to do a thing, she did it, and her judges would declare the act, whatever it might be, to be lawful. If in 1793 England wished to starve France, by severing her from her colonies, the Government ordered the navy to capture all neutral ships loaded with French colonial produce bound to France and bring them home, where the judges condemned them under the "Rule of the War of 1756," as they called it. It was a phrase meaning that England chose to fight that way. If the British fleet happened to be short of seamen, the officers used the press on American ships as freely as they used it in their own ports. If an American captain resisted, they fired into him, as the *Leopard* fired into the *Chesapeake* during the very year in which Lord Palmerston first became a minister of the Crown. No American lawyer who had ever thumbed a Blackstone but knew

that such outrages as that of Wilkes could be justified by plenty of British precedents, and that the worst of these precedents had been approved by American lawyers as eminent as Chief Justice Parsons of Massachusetts. The English lawyers knew these precedents quite as well as the American, and were inclined when Lord Palmerston first consulted them to hesitate. That was not the way, however, in which ministers of the Waterloo generation liked to deal with lawyers. Lord Palmerston ordered a satisfactory opinion, much as he might have ordered a pair of boots, and he got it in one of the most shameless opinions that even English Crown Counsel had ever given on maritime law. It would have been well enough, they said, if Wilkes, when he took the *Trent*, had sent her into port for condemnation, but he committed a crime against England when he removed the men and let the ship go.

Such considerations as these left Mr. Adams quite unmoved. He expected as much. Had not his grandfather tried the case of Michael Corbet for killing Lieutenant Panton while resisting a press gang on board the brig *Pitt Packet*, in old colonial days? [1] Had not his father, when on his way to St. Petersburg, in 1809, seen an English officer board the ship which carried him and his family, muster the hands on deck, and threaten to carry away a young sailor whom he knew to be an American? Could he not remember the negotiation of the treaty of Ghent, when England declined to give up any of her pretensions? To him the act of Wilkes, although quite indefensible, seemed to be not altogether unfortunate if it were but used wisely by the United States to force from England concessions on these vital points where she had always been unyielding. So when he heard the news suddenly, one day when visiting in the country, he remained perfectly composed, and waited for the result. His attitude had the greatest effect in steadying the friends of the North in England, and enabling them to concentrate an opposition to extreme measures which in the end prevailed.

One day when he and my mother were visiting Monckton Milnes at Fryston in Yorkshire, as they, with the other guests, were starting on some country expedition, he received a telegram with the news. Milnes was one of the few aristocrats who sympathized with the North, and he had invited William

[1] See *Proceedings*, XLIV. 422.

E. Forster, who, with Bright and Cobden, supported the United States in Parliament, to meet the Minister. On that occasion Milnes and Forster saw how my father bore a severe shock, and thenceforward their confidence never faltered. Had he wavered their position would have been untenable; how far afterward they and their friends were prepared to venture is best proved by their actions. In the midst of the turmoil, on December 5, when the *Times* and the *Post*, the organs of the Government, were lashing the public to frenzy, a great dinner was given to Bright at Rochdale, and there not only was a letter read from Cobden recalling the precedents of the Napoleonic wars and insisting on forbearance, but Bright made one of his boldest speeches challenging the sincerity of the ministry and protesting against permitting "your newspapers or your public speakers . . . [to] bring you into that frame of mind under which your government, if it desires war, may be driven to engage in it." This was the policy which Lord Palmerston and Lord Russell were pursuing, but it was one in which they could not afford to be exposed.

Mr. Adams constantly referred in his diary to remarks made by Bright and others touching Lord Palmerston's loss of vigor, and I am inclined to think that, after the first explosion of passion had spent itself, Palmerston concluded that it would be better for him not to push the *Trent* episode to an extremity, since he might accomplish the result he desired more easily. At this point in the American conflict Englishmen had not learned to judge accurately the relative strength of the combatants. They underestimated the North. They supposed that the only serious menace to the South lay in the blockade, and they imagined that the blockade might be as easily raised by a Southern fleet built in England and paid for by the South in cash, as by an English fleet which they would have to support themselves. There were in England abundance of men, like the Lairds, eager for this job, and English ministers did not as yet realize the difficulties into which they must fall while countenancing such frauds on the neutrality laws. When Wilkes boarded the *Trent* in November, 1861, the construction of a Southern navy was advancing fast in English dockyards, and although Mr. Adams did not collect evidence against the *Florida* specific enough to present until February, 1862, she

was then ready for sea. She lay, it is true, a month longer in port, waiting for her officers; but as all the Liverpool officials were avowedly Southern sympathizers she ran no risk, and sailed without hindrance. Lord Russell treated Mr. Adams' complaints with something not very unlike contempt.[1]

As a scheme of war in disguise, the plan was good, but it soon proved to be impossible to execute without scandal, because, as Mr. Adams pointed out, the duty of nations in amity was "not to suffer their good faith to be violated . . . merely from the insufficiency of their prohibitory policy." To build a Confederate navy in Great Britain presented to the Government an alternative; they might either neglect to put their neutrality laws in force, or they might have them construed away by the courts; but in either case they must perpetrate on the United States a fraud too flagrant to be safe with such an American minister in London as they began to suspect Mr. Adams to be. Hence I infer that Lord Palmerston decided to get rid of him. Not that Palmerston necessarily reached this conclusion consciously, for Palmerston, I apprehend, very often acted by instinct like an animal; but none the less I have no doubt that he purposed driving the American Minister out of England, and that in the spring of 1862 he was only looking for a pretext to pick a quarrel. Those who were best informed and who, on the spot, watched events most closely, thought so too. On January 25, 1865, Mr. Adams made this entry in his Diary: "Mr. Forster recalled the fact that two or three times during my stay, there had been efforts made to fix a quarrel upon me, which he intimated had been avoided mainly by my care. I applied his remark by recalling the incident of Lord Palmerston, as a most amusing one. On the whole Mr. Forster has been our firmest and most judicious friend. We owe to his tact and talent even more than we do to the more showy interference of Messrs. Cobden and Bright."

On June 17, 1862, Mr. Adams came home late in the afternoon and found on his table the following letter from Lord Palmerston, marked "Confidential," which is probably the most extraordinary document ever written even by him. It was on the subject of General Butler's proclamation touching the women of New Orleans.

[1] *Earl Russell to Mr. Adams*, March 27, 1862.

*Confidential.* BROCKET, 11 June, 1862.

MY DEAR SIR, — I cannot refrain from taking the liberty of saying to you that it is difficult if not impossible to express adequately the disgust which must be excited in the mind of every honorable man by the general order of General Butler given in the inclosed extract from yesterday's *Times*. Even when a town is taken by assault it is the practice of the Commander of the conquering army to protect to his utmost the inhabitants and especially the female part of them, and I will venture to say that no example can be found in the history of civilized nations till the publication of this order, of a general guilty in cold blood of so infamous an act as deliberately to hand over the female inhabitants of a conquered city to the unbridled license of an unrestrained soldiery.

If the Federal Government chuses to be served by men capable of such revolting outrages, they must submit to abide by the deserved opinion which mankind will form of their conduct. My dear Sir, Yours faithfully,

PALMERSTON.

C. F. Adams Esqr.
(Address: Private. His Excelcy Chas. F. Adams Esqr.
Palmerston.)

The longer Mr. Adams considered this letter, the more he suspected that it covered some unfriendly purpose, such as a joint intervention with France, of which rumors were abroad; but at all events Palmerston meant mischief, and the only way to escape him was to silence him. The next day he explained to Mr. Seward what he proposed to do. "It strikes me that he has by his precipitation already put himself in the wrong, and I hope to be able to keep him there;" but, he added, "the responsibility, thus unexpectedly thrown upon me, is felt to be of the most serious character." In after years he was rather fond of talking with me of this episode, and I received the impression that secretly he felt more satisfaction at his success than at almost any incident of his public life, for he had no liking for Palmerston. But whether this be so or not, he extricated himself from his predicament with wonderful adroitness. On June 13 he answered, telling Lord Palmerston plainly that he doubted whether he ought to receive such a letter, but before deciding he must know whether Lord Palmerston wrote as Prime Minister, or as a private gentleman expressing an individual opinion. Then he went to

Earl Russell and asked him what his colleague meant. Russell did not know. Meanwhile Lord Palmerston appears to have been at a loss. He waited until the 15th, and then wrote a few platitudes, without answering the question. Mr. Adams rejoined that he was "quite certain" that his government did not send him to London "to entertain any discussions of this kind," and that he could not submit "under the seal of privacy" to "any indignity which it might be the disposition of the servants of any" foreign "sovereign, however exalted," to offer. Therefore he wished to ask again whether Lord Palmerston's first note was official, or simply "a private communication of sentiment between gentlemen." Thus driven to bay, Palmerston, on the 19th, admitted, in a long letter of justification, that he had spoken as Prime Minister. Then my father closed the correspondence in these words: "The difficulties in the way of this anomalous form of proceeding seem to me to be so grave . . . as to make it my painful duty to say to your Lordship that I must hereafter, so long as I remain here in a public capacity, decline to entertain any similar correspondence." [1]

If in Europe there was one public man more hated and feared by diplomats than another, it was Viscount Palmerston. When old Baron Brunnow, the Russian Ambassador in London, talked about Palmerston, he grew warm. It chanced that on the day after Palmerston's assault on Mr. Adams, which was, of course, still a secret, Brunnow met Mr. Adams in the antechamber of the Foreign Office and told him of his own troubles before the Crimean War. How Palmerston never spoke the truth, which, perhaps, was admissible; but how he would set traps for the unwary, in order to increase his popularity in the House of Commons by immolating his victims. How life became one long martyrdom, and how retort was futile, because Palmerston had the "hide of a rhinoceros." Mr. Adams, at least, had warning of his danger.

For once in his life Lord Palmerston felt that his hide had been pierced. He had no longer the nerve to face John Bright in debate on such an issue, so he dropped the controversy, but characteristically he bore no malice. The next year my father met him in public and offered his hand. Lord Palmerston took

[1] The letters are printed in Adams, *Charles Francis Adams*, 248–260.

it, and shortly afterward Lady Palmerston asked my mother to come again to her receptions. The invitation was accepted. There was no scandal, and Mr. Adams remained in London to watch the building of the Confederate navy.

His last letter to Lord Palmerston was dated June 20, 1862; his first to Earl Russell touching the *Alabama* was written on June 23. It was the experience of the *Florida* over again. Mr. Dudley, the American consul at Liverpool, sent the Minister most explicit affidavits which he enclosed to the Foreign Office. The Foreign Office sent them to the Law Officers of the Crown, and on their advice transmitted them to the Commissioners of Customs at Liverpool, who, in turn, referred "the matter to our solicitor, [who] has reported his opinion that, at present, there is not sufficient ground to warrant the detention of the vessel, or any interference on the part of this department, in which report we beg to express our concurrence." As it was notorious that all these Liverpool officials were in substantial collusion with the Confederates, the situation seemed desperate; but, as a last resource, Mr. Adams took the opinion of Mr. Robert Collier,[1] a member of Parliament and one of the most eminent counsel at the bar. Mr. Collier having considered the evidence advised the Legation that the Collector of Customs at Liverpool would incur "a heavy responsibility' if he did not seize the vessel, and that if the Foreign Enlistment Act were not enforced on that occasion it was but "a dead letter." He added that, if the ship escaped, the Federal Government might have "serious grounds of remonstrance." This advice of Mr. Collier did not move Mr. O'Dowd, the Assistant Solicitor of Customs at Liverpool; it, however, disturbed Lord Russell, who sent it marked "Urgent" to the Law Officers of the Crown. Then followed a delay of three days, which has never been well accounted for, but which was momentous, not only because it was afterward held to fix negligence upon Great Britain, but because what occurred in the interval showed, as Semmes boasted, that the Lairds at Liverpool were better informed of the secret thoughts and actions of the highest officials than were those officials informed of one another.[2] The biographer of

[1] Robert Porrett Collier, Lord Monkswell (1817–1886).

[2] On December 22, 1865, the following entry occurs in Mr. Adams' Diary: "Incidentally he [Mr. Moran, Secretary of Legation] told me that he had also

Lord John Russell has told how, "almost while Sir Roundell Palmer and Sir William Atherton were considering the papers," the *Alabama* left her dock,[1] so that the adverse decision must have been betrayed before it could have been drafted, and how the next morning, July 29, 1862, she steamed down the Mersey on a pretended trial trip, while the opinion was on its way to Downing Street. Still the situation was not irretrievable. The *Alabama* might be stopped in a colonial port, and the Duke of Argyll advised Lord Russell to seize her. Lord Russell felt disposed to follow this advice and submitted an order to the Cabinet. The Duke has told what followed: "When you brought it before the Cabinet there was a perfect insurrection. Everybody but you and I were against the proposed step. Bethell was vehement against its '*legality*,' and you gave it up." [2]

Mr. Adams always inclined to regard Lord John Russell as an honest man, and he may have been right; but as much could not be said of Bethell, who was Lord John's evil genius, and who finally contrived to put the ministry in a position in which it could only defend its integrity by admitting its imbecility. Apparently, until he pondered upon Collier's opinion, Earl Russell never appreciated what his position would be, should he have to defend himself against John Bright on the charge of having been privy to a conspiracy to build a Confederate navy in Great Britain in fraud of the neutrality laws. Gladstone, who was not directly responsible for the conduct of foreign affairs, might not shrink from such shame if he thought it profitable to himself; but Lord John had a certain instinct of honor which, at least in the long run, revolted against secret treachery. And in this Lord Russell did not stand alone. After experiment with a system of fraudulent neutrality not only Lord Russell, but Lord Palmerston and, to do him justice, Gladstone himself, together with most of the aristocracy, would have preferred an open war, if only an open war had not been, as they thought, so dangerous. In their minds all turned upon the power of the North, in combination with

been able to trace the source of the betrayal of the decision of the Government which prompted the sudden escape of the *Alabama*. He showed me what purported to be a copy of a short note signed by V. Buckley and addressed to Mr. [Caleb] Huse, the rebel agent, warning him that what he called his 'protégé' was in danger. This Victor Buckley is a young clerk in the Foreign Office."

[1] Walpole, *Life of Lord John Russell*, II. 354. [2] *Ib.* II. 355, note.

native radicals, to injure them, and they looked longingly for the moment when the North should sink low enough to be treated as a negligible enemy by men who had no stomach for a domestic broil. The exact order in which events followed each other during the next few months is therefore illuminating, for it throws into brilliant relief not only the differences in temperament among these three famous aristocratic statesmen, Lord Palmerston, Lord Russell and Mr. Gladstone, but it fixes the stage of decrepitude to which their class had fallen.

The *Alabama* sailed from Liverpool on July 29, 1862, just after McClellan's reverses in the Peninsula, and on September 14 London heard the news of the Second Battle of Bull Run. Taking these disasters together, it seemed, in Europe, as probable that the North had been overcome, and Lord Palmerston inclined to think that Washington must fall. On this supposition he wrote to Lord Russell that it might be judicious "to recommend an arrangement upon the basis of separation." Lord Russell waited a few days to see what would happen, and then replied that "whether the Federal army is destroyed or not," Great Britain should "recognise the Southern States as an independent State," and should arm Canada accordingly.

In September, 1862, the Northern fortunes fell to their lowest point, and, conversely, the aggressive temper of England culminated. Lord Palmerston's view fluctuated with the fluctuation of the war, like a barometer. Lord Russell showed less sensitiveness. Gladstone blundered. Gladstone so hungered to be Prime Minister forthwith that he tried to be conservative and radical at once. On September 17 McClellan won the victory of Antietam. Instantly, while Lord Palmerston cooled, Lord Russell took to equivocation, and Gladstone plunged forward, blatant. It mattered nothing to Gladstone what horse he rode provided he could win the stakes, but even Gladstone could not ride two horses, galloping in opposite directions, at the same time. The northern counties favored the radicals and the United States, and just at this time Gladstone, who was by way of posing as an advanced liberal and friend of the people and of economy, was invited to make a sort of triumphal progress through parts of Northumberland, Durham and Yorkshire. He was to begin with a great reception

at Newcastle on October 7, because, as his biographer has observed, "a sure instinct had revealed an accent in his eloquence that spoke of feeling for the common people." [1]

The "common people" had rejoiced so much over the news of Antietam, then about a week old, that Lord Palmerston had made up his mind to wait awhile before committing himself further.[2] Not so Mr. Gladstone, who thought he had his opportunity to score double. After reflecting profoundly on his way to Newcastle on what he should say "about Lancashire, and America," he decided that the tide for the South was at flood and that he would swim with it. In this mind he made a speech in the Newcastle town hall which must always rank as one of the most remarkable of his life. He said: "We know quite well that the people of the Northern States have not yet drunk of the cup, . . . which all the rest of the world see they nevertheless must drink of. We may have our own opinions about slavery; we may be for or against the South; but there is no doubt that Jefferson Davis and the other leaders of the South have made an army; they are making, it appears, a navy; and they have made what is more than either, they have made a nation."

Hardly two months had elapsed since Earl Russell had himself admitted, by ordering the arrest of the *Alabama*, that the navy of the South was an English navy, built against the most sacred obligations which one country can be under toward another. At Newcastle Mr. Gladstone glorified this breach of faith, and thus in substance announced himself in favor of an alliance with the South. Language by a minister, before a declaration of war, could hardly go further.

The speech made a prodigious sensation, but it was soon seen to be a mistake. Gladstone felt it to have been one with growing acuteness for many a long day. In a kind of public confession of his sins he afterward admitted that he had committed an "offence of incredible grossness." His excuse was twofold: first, that he must have been out of his senses at Newcastle, and, second, that Lord Palmerston "desired the severance [of the Union] as a diminution of a dangerous power." This, Gladstone protested, was a worse crime than his, only Lord

[1] Morley, *Life of Gladstone*, II. 77.
[2] Walpole, *Life of Lord John Russell*, II. 351.

Palmerston "prudently held his tongue."[1] Prudence was not Gladstone's strongest quality.

Lord Palmerston disliked Mr. Gladstone and disagreed with him on almost every subject, from his views on the suffrage, to his eternal preaching of economy and his sympathy with the downtrodden tax-payer. The Prime Minister was constantly lecturing his obstreperous Chancellor of the Exchequer on his errors, and he very willingly, therefore, took so excellent an opportunity to give him a lesson which he would remember. The next week he sent Sir George Cornewall Lewis to Hereford to correct Mr. Gladstone's notions of international law, and to make it clear that the Cabinet, as a whole, had no sympathy with them. Then Mr. Gladstone began to disclaim, and he continued explaining and disclaiming until he died.[2]

Meanwhile the proposition which Lord Palmerston had made to Lord Russell touching intervention remained to come before the Cabinet, and on October 2, in reply to a letter from Earl Russell, Lord Palmerston wrote that had the South continued its successes against the North, mediation might have been opportune, but that recently those successes had been checked. Therefore it would be wiser to wait. This was just before Gladstone's speech. On October 13 Lord Russell had not changed his mind, however much Lord Palmerston may have vacillated. On that day he circulated a confidential memorandum among the Cabinet rather urging the "duty" of "friendly and conciliatory" interposition. On October 23 the Cabinet met to consider this memorandum, but that day Lord Palmerston's opinion prevailed, and nothing was done.

At length Mr. Adams, thinking that he ought to take some notice of Mr. Gladstone's harangue, and being very anxious beside to know what it meant, asked Lord Russell to appoint an hour at which he might see him at the Foreign Office. Lord Russell named October 23, the very day of the meeting, and it is charitable to suppose that he fixed on a time after the meeting had adjourned in order that he might be able to speak definitely touching the future. Certainly the Secretary for Foreign Affairs distinctly told the American Minister that no change in England's policy of neutrality was contemplated,

[1] Morley, *Life of Gladstone*, II. 82.

[2] See C. F. Adams, *Studies: Military and Diplomatic*, 407.

either by Mr. Gladstone or by anybody else, for the immediate future, and Mr. Adams seems to have thought his manner conciliatory. Yet, when he gave this assurance, Lord Russell had decided not to drop his project of intervention. By some means a hint was conveyed to the French Emperor that an offer by him to co-operate in intervention with England might be opportune, and Napoleon made such an offer forthwith. This gratified Mr. Gladstone, but even with this help he doubted whether he could overcome the inertia of his colleagues. He had already recognized the failure of his Newcastle speech. The event justified his premonitions. The decisive test of strength fell on November 12. The day before Gladstone wrote home that both "Lords Palmerston and Russell are *right*," and yet he still doubted. On November 13 he recorded his defeat, and explained how Lord Russell had "turned tail" without "fighting out his battle," and how Lord Palmerston had given Lord Russell's proposal only "a feeble and half-hearted support."[1] Thus Lord Palmerston, who, more than any living man, incarnated the spirit of his class, appeared at this supreme moment, like Macbeth, letting "'I dare not' wait upon 'I would,'" while Lord John justified his reputation for duplicity, and Gladstone, for the first time, fathomed the impotence of his own order. From that day Gladstone had done with doubts and threw his lot with the radicals. And Gladstone was right; for an aristocracy which recoiled from stabbing democracy when democracy lay gasping, was moribund.

Nor did Gladstone stand alone in recognizing that the onset of the English aristocracy had collapsed with the repulse of Lee at Antietam. By a subtle instinct all Europe and America became conscious of a change of status. It was the United States now which pressed on England, not England on the United States. The dates fit with an astonishing precision. Hitherto Mr. Adams' work had been chiefly defensive, as in the affair of the *Trent*. He had indeed made energetic remonstrances in regard to the escape of both the *Florida* and the *Alabama*, but in neither case had he gone so far as to put a pressure, even verging on coercion, upon England to do her duty. He reached that point on the day when Great Britain

[1] Morley, *Life of Gladstone*, II. 85.

admitted to herself that she dared not strike the North after a victory.

On November 12, according to Gladstone, Lord Russell "turned tail," and Lord Palmerston flinched with him. On November 20, 1862, Mr. Adams, who knew nothing of what had gone on within the Cabinet, wrote to Earl Russell a powerful despatch, in which, while disclaiming an intention to imply that Her Majesty's Government countenanced the violation of her laws, he pointed out that the *Alabama* had been built, armed and manned by Englishmen; that, though the purpose for which she was designed was well known, she had been permitted to sail without any of the usual formalities; and that since she had not been seized. If this were to go on, he said, peace between neighboring countries "would be rendered by it almost impracticable." Therefore he demanded, in the name of his Government, redress for past injuries and protection for the future.

Earl Russell reflected upon this letter for a month and then replied that, so far as the past was concerned, as he had done his best under the law as the law was interpreted by the Counsel for the Crown, he could not admit the right of any foreign sovereign to call him to account. Imperfections in a municipal statute were not matters open to discussion. Therefore he declined to entertain claims for compensation for injuries consequent on the escape of the *Alabama*, but, touching the future, he made concessions. He admitted frankly that the "Government, after consultation with the Law Officers of the Crown, are of opinion that certain amendments might be introduced into the Foreign Enlistment Act, which . . . would have the effect of giving greater power to the Executive to prevent the construction, in British ports, of ships destined for the use of belligerents." Before, however, submitting such amendments to Parliament, Earl Russell proposed that my father should ascertain whether the United States would make similar alterations in their law, so that the changes might "proceed *pari passu* in both countries."

Without question when Lord Russell made this proposition he was sincere, but when he tried to carry it into effect he found himself as impotent as he had been when he tried to induce intervention. His letter to Mr. Adams offering to amend the

law was dated December 19, 1862, but on February 14, 1863, he wrote to Lord Lyons that the project of amending the Foreign Enlistment Act had been abandoned, as the Cabinet did not see how the "law on this subject could be improved." To the end of his life Lord Russell never seems to have understood what ailed the world in his latter days. He protested and probably believed that he had always intended to do right. In reality he was the victim of a condition of social dissolution which brought the lawyers forward, at whose head stood Lord Westbury.

Very uniformly, when a ruling class is tottering and no longer dares to use physical force, it seeks aid from the courts, and in 1863 the English aristocracy obeyed this general law. Not venturing upon an open war with America for fear of trouble at home, they resorted to fraud to compass their object, and to work a fraud upon their own laws they had to call in the lawyers. Thus, from the hour when Great Britain definitely abandoned the offensive, Mr. Adams found himself pitted against Lord Westbury in particular, and the bench and bar of England in general. In this field Mr. Adams fared well enough, but Lord Russell fared ill, for Earl Russell had no training as a lawyer and was always committing indiscretions. He began with one of the worst.

On March 26, 1863, Mr. Adams told Earl Russell that "England was at war with the United States, while the United States were not at war with England," and then pressed on him this alternative; either the law is "sufficient . . . and then let the British Government enforce it; or it is insufficient, and then let the British Government apply to Parliament to amend it.

"I said that the Cabinet were of opinion that the law was sufficient. . . . That the British Government had done everything in its power to execute the law; but I admitted that the cases of the *Alabama* and *Oreto* were a scandal, and in some degree a reproach to our laws." [1]

After this admission the Foreign Office could not refuse to test the efficiency of the Foreign Enlistment Act, which the Cabinet had declined to amend on the authority of Lord Westbury, who advised them that it was enough.[2] On March 30, 1863, four days after this interview, Mr. Adams denounced the

[1] *Lord Russell to Lord Lyons*, March 27, 1863.

[2] *Adams to Seward*, February 13, 1863.

*Alexandra*. Lord Russell laid the evidence before the Law Officers of the Crown, and on April 4 he received an opinion, based on the decision of the Supreme Court of the United States in United States *v.* Quincy, 6 Peters, 448, that the *Alexandra* should be seized under the Foreign Enlistment Act. And seized she accordingly was the very next day. The issue had now been narrowed to this: Could Mr. Adams goad the British Government into protecting the United States either with or without the sanction of law; or would the gentry so far succeed in paralyzing the law, and in preventing the Government from overstepping it, that war would follow from inertia? This issue had to be fought out primarily in the courts, and, as the crisis approached, no Southern sympathizer, who respected his political standing, cared to make himself conspicuous in the parliamentary arena. John Bright awed the House of Commons, and beyond the precincts of Westminster matters had gone ill with those who had interfered. Lord Palmerston had made a sally, and in one short day had had enough; Earl Russell, with his moral garments in tatters, as he himself admitted by describing his administration as a scandal, was trying to cover his reputation with the shreds that remained; while Gladstone, the greatest orator which the gentry produced during the nineteenth century, had so exposed himself at Newcastle that his own chief had turned and rent him. All were dumb. A situation could hardly have been graver, and at this juncture Lord Westbury's influence predominated. To this several causes contributed. Not only was the Chancellor the official adviser of his colleagues upon the law, but his range of activity was wide. He could intrigue in the Cabinet and in Parliament, with the bench and the bar, and in intrigue Lord Westbury had few rivals. Whatever Lord Westbury's motives may have been, had he been regularly retained to emasculate the English neutrality laws, he could hardly have worked harder or more insidiously, while advancing to a predetermined end by a series of premeditated steps. He first suppressed the Duke of Argyll's proposal to arrest the *Alabama* in the colonies, he next prevented the amendment of the Foreign Enlistment Act, although the Law Officers of the Crown had advised it,[1] and

[1] *Earl Russell to Mr. Adams*, December 19, 1862. *Adams to Seward*, February 13, 1863.

lastly he evolved a subtle legal theory with the apparent purpose not only of absolving Great Britain from responsibility for any abuse, however flagrant, of her territory by the Confederacy, but for preventing her from submitting to arbitration any claims for reparation for the injury which the United States might endure thereby. According to Lord Westbury the whole question hinged not on what men did, but on what they thought. This was his celebrated doctrine of *animus*. British subjects might build, equip, arm and man fleets of cruisers, and send them to sea to be sold to the South for purposes of war, if it could not be proved that in such transactions these Englishmen had acted as agents of the South, and not as speculators. If they speculated in battleships as merchants, without pre-existing contracts which made them agents, all was lawful. By parity of reasoning, Great Britain had no responsibility for her legislation or for her police beyond that of defending the good faith of her ministers.

Great Britain, acting as a neutral, might be mistaken, she might be remiss, she might do what she should not have done, or she might neglect to do what she should have done, — this was immaterial. The only question between the nations was, "whether, from beginning to end," Great Britain "had acted with sincerity." He pressed this doctrine in his speeches in Parliament, and he laid it down from the bench.[1]

The inference is almost resistless that Lord Westbury intended not only to legalize the grossest of all frauds by encouraging the perversion of evidence, as the Chief Baron of the Exchequer afterward pointed out, but also to make the submission to arbitration of claims arising from such frauds practically impossible. Bethell was a singularly astute modern man, who could hardly have failed to perceive from the beginning whither his reasoning led, nor did he shrink from following that reasoning to the end. In 1869 Mr. Sumner relied on him as an authority for his law when he originated the "indirect claims"; so did Mr. Davis at Geneva. But Lord John Russell was another matter. Lord John, whose mind was never one of the most lucid, and who was beside a relic of a bygone age, saw nothing absurd in declaring categorically, first, that Eng-

[1] Hansard, *Parliamentary Debates*, Third Series, CXCI. 347, 348. *Ex parte* Chavasse, 12 *Law Times*, New Series, 249.

land alone must be the judge of her domestic legislation; of then alleging, as an excuse for not arresting pirates fitting in English ports, that he had no power to do so under English statutes; and finally of refusing compensation for the injury those pirates wrought on a friendly people, because he could not allow the good faith or the good conduct of English ministers, or the competence of English lawyers, to be impugned by a foreign nation. Yet, according to Westbury, the good faith of Lord Russell and of Sir Roundell Palmer was the only vital matter in issue.

Surely no one in modern times, save a British aristocrat of the Waterloo generation, could have been capable of such arrogance.

It is nothing to the purpose that his arrogance escaped Earl Russell, or that he failed to understand how he had come into a position where he had to be arrogant to defend himself against a criminal accusation. Earl Russell was an old man who had been born and bred in an atmosphere in which arrogance toward foreigners was as natural as it was in 1861 in a Southern planter toward blacks. The fact remains that, but for Bethell, Earl Russell could not have been accused of fraud.

When the *Alabama* escaped through what even Earl Russell, toward the close of his life, admitted to have been his own slackness, he would have atoned for his fault by seizing her in the colonies, but Bethell stopped him. When Mr. Adams urged him to amend a statute under which such outrages as the escape of the *Alabama* could be perpetrated, he assented, and would have brought a bill into Parliament to strengthen the Foreign Enlistment Act, but Bethell interposed. Lastly, when it came to submitting the claims of the United States to arbitration, Earl Russell found himself confronted with Lord Westbury's doctrine, that the only matter in issue was his own honesty. That was why *due diligence* and *good faith and honesty* were always confounded in his mind.

Such was Lord Westbury, brought forward by the decay of the aristocracy to a position of leadership in their contest with democracy; nor in all England, perhaps, could a man of equal parts have been found less apt to lead with credit. Unhappily for them, also, the aristocracy were hardly more discreetly

served by those common law judges on whom they relied to manipulate the law to meet their necessities.

Among the survivals of an arrogant age, one of the stiffest in the year 1863 was Sir Frederick Pollock, Lord Chief Baron of the Exchequer. Although Sir Frederick did not spring from noble lineage like Lord John, he was more reactionary, having entered Parliament in the Tory interest, and having served as Sir Robert Peel's Attorney-General, whereas Lord John had been a Whig from birth. Sir Frederick was a year older than Lord Palmerston, and was turned of eighty when on June 22, 1863, he sat with a jury to hear the case of the *Alexandra*. Lord Selborne, who represented the Government in the prosecution, first as Solicitor, and afterward as Attorney-General, has hinted that Pollock's mind had become impaired,[1] and perhaps it is charitable to assume that his memory had failed, for the choice lies between this and suspecting that he tried deliberately to falsify the record. Still, it must be conceded that, in the contest which ensued between him and Sir Roundell, he showed no feebleness but, on the contrary, routed his antagonist. Throughout the American war the rock on which the British aristocratic party, both political and legal, split, was incoherence. As Lord Palmerston's Cabinet never could unite on any aggressive policy, so neither could the lawyers unite on any theory touching the law. In this cause Pollock fell foul of Bethell, denouncing his doctrine of *animùs* as fraudulent, and he did so, apparently, only to save himself from discredit by discrediting the Government, when both wished to suppress the North.

I think it probable, from what subsequently occurred, that during the litigation Westbury may have explained to Pollock his theory of *animus*. I am inclined to this surmise because of Pollock's familiarity with notions which he would have been unlikely to originate, and which he stated in language paraphrasing that used by Lord Westbury afterward in *Ex parte* Chavasse.

Be this as it may, Pollock's conduct at this trial created a scandal which at the time almost equalled the scandal of the escape of the *Alabama*, and increased very sensibly that excessive weakness of the Palmerston Government which during

[1] *Memorials, Family and Personal*, II. 446.

the winter of 1864 threatened to induce war through simple inertia. This was, of course, what Southerners themselves and the more extreme of their sympathizers in England wanted, but it was a result which could only be attained by a prostitution of the courts, and a degradation alike of bench and bar. Nothing could be plainer than the issue between the two countries, as Sir Roundell Palmer himself presented it in this very cause:

> If there be a war, in which, though the Sovereign of Great Britain professes neutrality, yet a great number of the subjects act in a manner directly contrary to it, . . . by organizing naval equipments, it is perfectly plain that the result will be this: a state of things will be produced which alters the balance of power practically, . . . something is done which throws a power from the neutral country into the scale of one of the belligerents against the other, and which makes the belligerent who suffers by it say, I care not what your Vattel, or Grotius, or Puffendorf may say; I find that I am practically suffering from this, . . . so that it is better worth my while to go to war with you too, and to have it out openly, than allow this state of things to go on.

The Attorney-General then supposed a war between England and France, with the United States neutral and fitting out naval expeditions for France, and suggested that possibly, the United States being powerful, England might hesitate.

> But it might, I think, be quite conceivable and possible that we in that case, as we, I think, have done in all similar cases in the course of our history, might say: We will not endure it, and if this goes on, we will rather go to war with you than let war be carried on practically against us from your shores under pretence of neutrality. That we should do that with a weak power like Sweden, can any human being entertain a doubt? These are the dangers that have to be provided against.

Such bluntness shocked the morals of Sir Frederick, who could not tolerate, in his court, that counsel should suggest that England had ever done that to a weak power which she would not do to a strong. So he scolded Sir Roundell. And yet Sir Frederick knew as well as any other man that, for centuries before the war of Secession, Great Britain, as a belligerent, had

ruthlessly trampled upon all weak neutrals, sometimes seizing their commerce like a common pirate, sometimes firing on their frigates and taking from them their crews, sometimes blockading their harbors, and sometimes burning their capital cities. In short, there was no outrage on the weak which Great Britain had not gloried in perpetrating, and she reached the acme of her violence in the wars of the French Revolution and of the First Empire, which began soon after the adoption of the Constitution of the United States in 1789. During those wars the feeble republic of the United States suffered much from both France and England, and it had devolved upon General Washington to hold the balance between the two. As General Washington's Secretary of State, Mr. Jefferson conducted a correspondence on neutrality which ever afterward ranked as a classic, and, for a full generation after its foundation, the Supreme Court of the United States had been deeply engaged in considering the law upon this class of questions, so that when Sir Frederick came to expound the Foreign Enlistment Act, in the trial of the *Alexandra*, the American authorities were recognized as the standard. Of British authorities on neutrality there were few or none.

It followed that when English judges like Bethell and Pollock, in serving the aristocracy, undertook to emasculate the Foreign Enlistment Act, their first anxiety was to explain away these American authorities. This they might possibly have done without too much ignominy, had they taken care beforehand to agree upon some theory of construction. Instead of doing so they quarrelled, with the result that finally Sir Frederick roundly accused those who followed Lord Westbury's doctrine of trying to perpetrate a fraud, while the Law Officers of the Crown more than intimated that Sir Frederick had deceived them by direct falsehood.

On these facts there can be no dispute, as they are all matters of record; nor can there be any dispute as to the character of the measures taken by Lord Westbury to prevent the amendment of the Foreign Enlistment Act. The Lord Chancellor of England declared the Foreign Enlistment Act sufficient, at the moment when the Chief Baron of the Exchequer stated from the bench, that, were the statute construed as Lord Westbury would construe it, a fleet of ships might be sailed through

it. And it was by denouncing the Lord Chancellor's construction as fraudulent, that the Chief Baron defended the liberation of the *Alexandra*. That the wrangle was disgraceful was shortly admitted by the English Parliament and by the English people, as one of the first acts of the Conservatives on attaining to power was, in January, 1867, to appoint a commission to so revise the law touching neutrality, that such scandals could not occur in future. To make all this clear, I must go at large into the *Alexandra* litigation.

When the long wars began and Washington issued his proclamation of neutrality, it was universally accepted as an axiom, that if, when two nations are at war, a third assists one, by participation in hostilities, to the detriment of the other, that third nation becomes a party to the conflict, and may be treated as an enemy by the country which is aggrieved. The principle was plain; the difficulty lay in defining what acts constituted a participation in hostilities. With this class of questions Washington and Jefferson had endless difficulties; for they soon found that neutrals, like other people, must live, and to live must trade, and that all trade would be substantially cut off if giving aid to one belligerent were to participate in hostilities. For example, no aid can be more effective than food and munitions of war. But to neutrals perhaps the most tempting of all branches of trade was trade in munitions of war, which the belligerents often had to buy regardless of price. This had always been so, and had been recognized as legitimate within certain limits, ever since the Venetians sold material of war to the Saracens to use against the Crusaders, although that particular commercial enterprise the Church had denounced as excessive.

On the other hand, the belligerent, who suffered from these sales, claimed the right to seize the so-called *contraband of war*, wherever he could find it in transit, and thus, at last, the United States found themselves obliged to draw a line between a commercial venture in material of war, which was not a breach of neutrality and therefore innocent, and an armed participation in the war by her citizens, which was a crime. For instance, it being admitted that American citizens might sell arms and gunpowder to a belligerent, and also a ship, provided the ship were a merchantman, was it or was it not legitimate for an

American to build and arm a ship, and sell it as a speculation to a belligerent, knowing that the ship, if sold, would be used to cruise against the commerce of a friendly power? Or, putting it in other words, was a cruiser sent to a belligerent *contraband of war*, whose sale the Government might countenance, or was the escape of such a ship from an American port a breach of neutrality? As a rule both the American diplomatic correspondence touching neutrality, and the rulings of the American courts, were remarkably sound; but on one occasion Mr. Justice Story indulged his love of writing legal treatises instead of legal opinions, not only to the inconvenience of Mr. Adams, but to the mortal peril of the United States. Justice Story provided Lord Westbury and Sir Frederick Pollock with their best argument, and also with the weapon with which they did most of their mischief.

After the peace at Ghent in 1814, a certain American privateer, named the *Monmouth*, had been dismantled at Baltimore, and having been rerigged and partially rearmed was sent by her owner, loaded with contraband of war, to Buenos Ayres, to be sold, if possible, to the Government of that revolted colony, in her war of independence against Spain. The Spaniards, afterward, did not deny that the sending of this ship from Baltimore to South America was a genuine commercial speculation, made without previous contract or understanding with the insurgent Government. In Buenos Ayres the supercargo made a bargain, and, having sold the ship to the Government of Buenos Ayres, made no objection to the reinlistment of the crew, and to her return to Baltimore to add to her armament and to obtain more men. Having done this, she sailed again from Baltimore as a commissioned ship of war belonging to Buenos Ayres, named *Independencia*, to capture Spanish merchantmen, and among those which she captured was the *Santissima Trinidad*, which she took into Norfolk. There the Spanish Consul began suit for restitution of prize on two grounds: first, because the *Independencia* had originally escaped from Baltimore in violation of the neutrality of the United States; and, secondly, because, after her return to Baltimore and before her capture of the *Trinidad*, she had unlawfully augmented her armament. The court decreed restitution on the second ground, as being clearly established, and had

Story confined himself to the point in issue, all would have been well. But so simple a disposition of an interesting case did not content the learned justice. He went into a discussion to show that originally the *Monmouth* had been sent to Buenos Ayres not as a cruiser intended to participate in the war, but as a commercial venture, — an article to be sold, in a word, like any other munition of war: that, in fine, she was contraband of war, and that therefore her first departure was innocent, so far as any violation of United States statutes was concerned.

> The question as to the original illegal armament and outfit of the *Independencia* [that is to say, of the old American privateer, the *Monmouth*] may be dismissed in a few words. It is apparent that, though equipped as a vessel of war, she was sent to Buenos Ayres on a commercial adventure, contraband, indeed, but in no shape violating our laws or our national neutrality. If captured by a Spanish ship-of-war during the voyage, she would have been justly condemnable as good prize, for being engaged in a traffic prohibited by the law of nations. But there is nothing in our laws, or in the law of nations, that forbids our citizens from sending armed vessels, as well as munitions of war, to foreign ports for sale.[1]

The British statute of 1819, for the preservation of neutrality, was founded on, and was, in substance, the same as the American statute of 1818, so that an interpretation of the one would generally fit the other, and the British enactment forbade any subject either "to equip, furnish, fit out or arm," or to procure or assist in the equipping or arming, of any vessel "with *intent* to cruise or commit hostilities against any . . . State . . . with whom His Majesty shall not then be at war." Under such a statute the first point to determine was whether a ship of war could be built by a neutral and sold to a belligerent at all, and Justice Story had certainly held in 1822, in the case of the *Santissima Trinidad*, that the *Monmouth*, a war-ship equipped, armed and even manned at Baltimore, might be sent to Buenos Ayres and sold, there being no pre-existing contract touching the building or sale; and that the only resource of Spain was to capture the *Monmouth* in transit, if she could.

Had the Confederates been well advised in 1861, when they began building their navy, they would have kept well within

[1] The *Santissima Trinidad*, 7 Wheaton, 283.

this decision, but over-confidence was always their bane, and they took little or no pains to disguise their transactions either in Liverpool or elsewhere. Therefore the Government had no difficulty in proving, what amounted to, Confederate ownership, so much so that such ownership was in substance admitted. Consequently, when the *Alabama* was ready for sea she could not sail openly, as the *Monmouth* had sailed, as contraband of war. She had to be smuggled out of England as an unarmed ship, and she took her arms afterward from a tender in a foreign port. So with the *Alexandra*, the defence called no witnesses to deny that the ship was built under a contract with the Confederate Government. They rested on the proposition that she was "unarmed" and "unequipped." Before a judge of a certain kidney, sitting with a Liverpool jury, such a subterfuge might answer well enough in the matter of a wooden gunboat which might by a stretch of the imagination be used for trade; but it was by no means certain that, even with such advantages, it would hold water in a process against iron-clad battleships provided with steel rams to be used to sink an enemy, independent of artillery, like those the Lairds were then completing in the Mersey.

Lord Westbury, who was an astute lawyer, proposed to stop this bungling by concealing Confederate ownership, and passing the ship off either as belonging to some foreign principal other than the South, or as the property of an Englishman, who held it for sale, upon speculation, to whomever might care to buy, consequent on completion and departure. If only the Confederate ownership were disguised, Lord Westbury felt confident of his case, because he knew that it would be impossible to prove that a secret intent to participate in the war had existed in the minds of Englishmen who chose to deny it. This would bring the rams within the ruling of Story in the *Santissima Trinidad*, and this he thought would suffice. Lord Westbury's difficulty lay not with the Foreign Enlistment Act, which he had carefully prevented Lord Russell from amending because it served his purpose so well, but with Sir Frederick Pollock, who was not only very dull but very obstinate, and was determined at any cost to acquit the *Alexandra*.

The *Alexandra* was not a very powerful or important ship, and in contracting for her and building her Captain Bulloch had

been careless. When he came to build the rams, he used extreme caution, covering the ownership most elaborately. Here lay the distinction between the two cases. Evidence which would serve to liberate the *Alexandra* would not clear the rams. This Lord Westbury must have known, and he would have risked the *Alexandra* to make sure of the rams, while Pollock, who was quite impracticable, seems to have cared for nothing but the verdict in the case in which he was interested. Hence the split between the two judges and the scandal which so affected English judicial process that when Lord Russell came to deal with the rams, he had to cast aside all regard for law and act despotically.

Had Lord Westbury presided at the trial of the *Alexandra*, there would have been no scandal. He would have managed the case differently. Of this there can be no doubt. In April, 1865, just as the war was closing, in the case of *Ex parte* Chavasse,[1] Lord Westbury went out of his way to explain his views. Though not called upon to do so, he then expressed the opinion that a British subject might lawfully build, equip, arm, and man a ship of war, and might send her from a British port to any point he chose beyond British jurisdiction, and there sell her to a belligerent whom he knew to be ready and waiting to buy her, provided the Government could not prove that in these transactions he had acted as an agent and not independently. How effective this construction of the law would have been, had it been adopted earlier, is proved by the effect it had even at that late hour. After her liberation in Liverpool, in 1864, the *Alexandra* was rearrested in the Bahamas, and though evidence of armament and the like was clear enough against her, she was again liberated by the colonial Vice-Admiralty Court for reasons which are better stated in the words of the local Attorney-General and of the Governor than in mine. The Attorney-General wrote in explanation of his failure: "The judge . . . required a description of evidence which it was impossible for me to procure, and which, I venture to add, will be found alike impracticable in any other case of forfeiture under the same statute." While Governor Rawson in transmitting the documents to Mr. Cardwell observed with feeling:

[1] 12 *Law Times*, New Series, 249.

Moreover, if Lord Westbury's *dictum* be accepted, that it needs "proof of an agreement, understanding, or concert with a belligerent Power" to establish a violation of the Foreign Enlistment Act, it will be almost impossible to attempt to enforce the law. Volunteer cruisers may be equipped and manned in swarms, with no power on the part of the Government to detain them in or out of British waters, and with a certainty that as soon as they reach the belligerent country the necessary agreement will be eagerly made, and all the evils would arise which the Act of 1819 was intended to prevent.[1]

Because of Lee's surrender the colonial government did not appeal from this judgment, but in due course their despatches were received by Earl Russell, who turned them over to Sir Roundell Palmer, who was still Attorney-General. Sir Roundell found himself in what would have been an embarrassing position had the war not ended, as he had taken something very like Lord Westbury's ground in the *Alexandra* case, for doing which Sir Frederick had savagely attacked him. As it was he contented himself with observing that though the Attorney-General of the Bahamas might have "exercised a sound discretion . . . in declining to appeal," yet "we desire not to be understood as expressing our agreement either with the general reasoning of the judgment, or with the construction placed by it on the word 'intent' in the Foreign Enlistment Act."[2] It is also noteworthy that this opinion repudiating Lord Westbury and *Ex parte* Chavasse was written on July 31, 1865, and that on July 4 Lord Westbury had resigned his office because of a vote of censure of the House of Commons. The opinion of Judge Doyle in the Vice-Admiralty Court was delivered on May 30, 1865, after Appomattox, it is true, but still six weeks before Bethell's disgrace. Whether Sir Roundell on July 31, 1865, would have been so clear as to the error in Lord Westbury's judgment, had Lord Westbury still been the Lord Chancellor of the administration of which he was Attorney-General, is a matter for speculation.

[1] Appendix to the *Case presented on the part of the Government of Her Britannic Majesty* (at Geneva), II. 286, 288.

[2] *Law Officers of the Crown to Earl Russell*, July 31, 1865. Appendix to the *Case presented on the part of the Government of Her Britannic Majesty* (at Geneva), II. 303.

## *Part II.*

On June 22, 1863, on information filed by the Attorney-General, the cause of the *Alexandra*, for violation of the Foreign Enlistment Act, came on for trial at Liverpool, before Chief Baron Pollock and a special jury. Sir William Atherton, Attorney-General, Sir Roundell Palmer, Solicitor-General, and Sir Robert Phillimore, Queen's Advocate, were the principal counsel for the Crown. Sir Hugh Cairns[1] led for the claimants. The Attorney-General opened the case to the jury.

All these counsel were among the ablest lawyers of England, and all were as well acquainted with the American decisions as were Lord Westbury or Sir Frederick. The Law Officers of the Crown understood perfectly the necessity of distinguishing the case of the *Alexandra* from that of the *Santissima Trinidad*, and they felt confident that, upon the evidence, they could do so, since the ownership of the *Alexandra* by the Confederate Government was public and, in substance, undisputed. Sir Frederick, on his side, was fully determined that no such distinction should be made before him, and wrangling between the judge and counsel began almost immediately. The weak point in the Confederate case was the recklessness with which Confederate officers had swaggered about Liverpool talking of the ship they were building in Miller & Sons' yards, and the equal recklessness with which Miller & Sons had habitually recognized these Confederates as their principals. The facts were so notorious that Sir William, in his information, alleged with confidence, that the *Alexandra* had been built and "equipped" within the United Kingdom in order to be employed "in the service of certain foreign States, styling themselves the Confederate States of America, with intent to cruise and commit hostilities," and so on with the usual verbiage of an indictment. He did not assert that she had been "armed." He drew his information expressly to exclude the pretence that the *Alexandra* had been built like the *Monmouth*, as a mercan-

[1] Hugh McCalmont, first Earl Cairns (1819–1885), one of the most eminent English jurists of the nineteenth century. He was elected member for Belfast in 1852; appointed Solicitor-General by Lord Derby in 1858; Attorney-General in 1866; and Lord Chancellor by Disraeli in 1868. It was on this occasion that Lord Chelmsford protested that he had been dismissed to make way for Cairns "with less courtesy than if he had been a butler."

tile speculation. He rested on the fact that she had been built by the Confederate Government in England, as a war-ship designed to "cruise" against the United States, which would be, he argued, a clear breach of neutrality. On his side Sir Frederick perceived that if he permitted the Government to ask for a verdict on this ground, the case was lost. He therefore intervened very energetically. He undertook to dragoon the Attorney-General into admitting that if a British subject had a right to build a war-ship to sell to a belligerent at all, it made no difference whether he built the ship as a speculation on his own private account, or whether he built her on an order from the belligerent who needed her. The dialogue on this point between the counsel and the judge is so typical of the temper of the time that it is worth extracting *verbatim*.

Sir Hugh Cairns had been speaking and had been contending, on the authority of Story in the *Santissima Trinidad*, that a British subject might lawfully build, fit out, arm and even man a war-ship, and sell her to one of two belligerents. To this the Attorney-General replied that such a doctrine might possibly be relevant if it were supported by evidence, but in this case Sir Hugh could not pretend that the *Alexandra* had been built as a speculation, since, though he had the builders and owners at hand he had called no witness to contradict the testimony presented by the Government, which tended to show that she had been built on order, and under the inspection of officers of the Confederate navy. Hence, he insisted, a conclusive presumption arose "that the vessel when completed should not be sold, but should at once proceed to be employed in the service of . . . the Confederate States."[1]

*Lord Chief Baron.* Do you admit that a ship-builder could sell a vessel to either of the belligerent parties?

*Mr. Attorney-General.* I say that there was no intention to sell. . . .

*Lord Chief Baron.* I am asking with a view to obtaining some information as to what your opinion of the law is. I ask you whether, in your opinion, it is lawful for a ship-builder to build . . . a vessel capable of being turned into a war-like vessel, . . . with a view to offer it for sale indifferently to one or other of the belligerent parties? . . .

[1] A report of this trial is to be found in the *Case of the United States* (at Geneva), v.

*Mr. Attorney-General.* My object in not wishing to bind myself to any conclusive answer is this, that, as it appears to me, the facts and circumstances of the present case give no rise at all —

*Lord Chief Baron.* I am not quite sure of the facts because you did not give me an answer; if you give an answer, I should put another question, and then you might perhaps see that it was perhaps very germane to the inquiry. I have no hesitation in saying that, according to all the authorities and all the decisions that we can get at, a ship-builder has as much right to build a ship and to sell it . . . to any belligerent parties, [as] the maker of any sort of cannon or muskets, or pistols, or anything else. It is laid down in Kent's *Commentaries on American Law* that it is the right of neutral subjects to supply both belligerents with arms, gunpowder, and all munitions of war; to which I add, why not ships?

*Mr. Attorney-General.* I do not controvert the proposition, nor do I controvert the doctrine laid down in the two cases of the *Independencia* [The *Santissima Trinidad*] and the ship *Alfred*, . . . which was cited this morning. . . .

*Lord Chief Baron.* Apparently, then, you concur in what I state?

*Mr. Attorney-General.* I do not deny those authorities, but I distinguish them very much indeed from this case. I say that they have no bearing on the present case. The present case I put forward, as it was put forward at the outset, as being a case in which a particular intent is discovered to have existed, and I prove —

*Lord Chief Baron.* The act does not say that it is unlawful to build a vessel with that intent.

*Mr. Attorney-General.* I shall come to my learned friend's observations on these various points in their order.

The Lord Chief Baron tried to force the Attorney-General to admit the soundness of Story's *dictum* in the *Santissima Trinidad*, so that he might go on to argue that there could be no difference between building on speculation and on order, and that if a man might do the one he might equally well do the other. If Pollock could obtain this admission from the Government, he saw before him all the yards of England open to the Confederates. The Attorney-General saw it too, and declined to commit himself, although he was shyer of disputing the doctrine of the *Trinidad* than he might have been had he felt sure of the Chancellor. What Sir William did was to evade a direct answer and pass as fast as he could to Sir Hugh Cairns' second proposition. Sir Hugh contended that, even supposing he admitted the *Alexandra* to have been built expressly for

the Confederates, yet to be guilty she "must be a fully armed vessel" when about to leave port. No, replied Sir William, that is not so.

I do not pretend that the vessel was armed. The question was whether the ship when seized had been either "equipped," or "furnished," or "fitted out," or "*armed*." The statute, he maintained, indicated an alternative.

*Lord Chief Baron Pollock*. Certainly my present impression is that they [the words] all mean precisely the same thing. . . . To equip a ship of war you must furnish it with arms. . . . I apprehend that all these words mean substantially the same thing, whether you call it "equip," or "furnish," or "fitting out," or "arming.". . .

This was a directer attack on the statute than the other; but, as soon as Sir William could silence the Chief Baron long enough to complete a sentence, he pointed out to him that the crime consisted not only in "equipping," but in attempting to "equip," and that it would be enough if this "attempt" were proved.

But, [more convincing than this,] if one might, in addressing the jury, advert to the consequence of such a construction being adopted [as that contended for by the defence and supported by Pollock], it would be very easy to show that if it were to be adopted on authority the Foreign Enlistment Act would be a dead letter, and might as well be thrown into the fire or repealed. . . . We have, as a matter of evidence before us in the case, the history of the *Alabama*, . . . He [Sir Hugh Cairns] says that to constitute a violation of this section the vessel must be armed. . . . What would be the consequence of this construction? We do not need to draw on imagination, because we have the example of the *Alabama* staring us in the face. My learned friend stands on the word "armed." As long, therefore, as you stop short of arming . . . the executive cannot interfere. The vessel cannot be seized. . . . Now, then, take the case of the *Alabama*. . . . We know, in point of fact, that she obtained her armament at Terceira, but Terceira is, for the purpose of the present observation, merely a place out of the Queen's dominions. She would have obtained her armament equally well out of the Queen's dominions if there had been a tender lying with that armament in the Irish Channel, four miles say from the nearest point of the English coast, and of course an equal or greater distance from the Irish coast. Now suppose that to have occurred, the British

Government to be informed on credible and incontestable evidence — I have a right to take it so far that the *Alabama* . . . has been built for the express purpose . . . that she shall, as soon as safely she can out of reach of British law, take on board her armament, . . . and proceed on the operations of a ship of war — . . . supposing that to be done once, . . . and then supposing the same thing to happen the next day or the next week, a similar ship, a similar destination, a similar preparation, and a tender . . . lying outside . . . to furnish and complete the armament; and if you suppose that such instances recurring . . . and the officers of the British Government to be distinctly informed of them, . . . and yet no proceeding taken to prevent the departure of any one of those vessels from the British port — I ask you whether the provisions of this section would not be rendered entirely inoperative . . . almost under view of the officers and ministers of that law? I then appeal to the language of the statute. That is an observation to my Lord. I find that "arming" is used as an alternative expression. . . .

*Lord Chief Baron Pollock.* I have got the word "equip" in Webster's Dictionary: "Equip, to furnish with arms, or a complete suit of arms for military service." . . .

Then the Attorney-General cited, in support of his contention, the case of The United States *v.* Quincy,[1] in which the Supreme Court held that in an indictment for attempting to fit out or arm the privateer *Bolivar*, it was not necessary to prove that the ship had been actually armed to justify a verdict of guilty. And so presently the Attorney-General closed his address and the presiding judge charged the jury. Over this charge,[2] at a subsequent period, a scandalous wrangle took place, the Chief Baron repudiating his own words, and counsel pressing him with them until he complained that no judge in his time had been so treated. And indeed, at the present day, such an address as Pollock then made seems incredible, and it would now naturally be assumed that there had been errors in the report. But there can have been no error, for the language which Sir Frederick Pollock denied was reprinted *verbatim* by the British Government for presentation as evidence before the Tribunal at Geneva, and those documents were prepared after mature deliberation, under the direction of the Lord

[1] 6 *Peters*, 445.

[2] The charge is to be found in Appendix 3 to the *Case presented on the part of the Government of Her Britannic Majesty* (at Geneva), p. 53.

Chancellor, Lord Hatherly, and of Sir Roundell Palmer, counsel in the *Alexandra* case, who in the autumn of the year 1872, after the award at Geneva, succeeded Lord Hatherly as Lord Chancellor in Gladstone's Cabinet.

After some preliminary observations, the Chief Baron quoted the words of Justice Story in the *Santissima Trinidad*, and added that, in his opinion, the subjects of a neutral power might lawfully supply a belligerent with munitions of war, "whatever can be used in war for the destruction of human beings."

Well, gentlemen, why should ships be an exception? In my opinion, in point of law, they are not. . . .

Now, gentlemen, I will state to you why I put the question I did to the Attorney-General. I said, Do you mean to say that a man cannot make a vessel intending to sell it to either of the belligerent powers that requires to have it? . . . Is that unlawful? The learned Attorney-General, I own, rather to my surprise, declined giving an answer to a question which I thought very plain and very clear. You saw what passed; I must leave you to judge whether there was anything improper in the manner in which I (so to express it) communed with the Attorney-General on the law, so that we might really understand each other, and that I might have my mind instructed, fitted out, equipped, and furnished, if you please, by the contents of his. Gentlemen, the learned Attorney-General declined to answer that question. But, I think, by this time, . . . you are lawyers enough to answer it yourselves. I think that answer ought to be, "Yes, a man may make a vessel." Nay, more, according to the authority I have just read, he may make a vessel and arm it, and then offer it for sale. So Story lays down.

But I meant, gentlemen, as I said then, if I had got an affirmative answer to that question, to put another. If any man may build a vessel for the purpose of offering it to either of the belligerent Powers who is minded to have it, may he not execute an order for it? Because it seems to me to follow, as a matter of course, if I may make a vessel and then say to the United States, "I have got a capital vessel, it can easily be turned into a ship of war: of course, I have not made it a ship of war at present; will you buy it?" If that is perfectly lawful, surely it is lawful for the United States to say, "Make us a vessel of such and such description, and when you have made it, send it to us."

Now, the learned counsel certainly addressed themselves very much to this view of the matter. It was said, But, if you allow this, you repeal the statute. Gentlemen, I think nothing of the kind.

What that statute meant to provide for was, I own, I think, by no means the protection of the belligerent Powers. . . . Otherwise they would have said, You shall not sell gunpowder, you shall not sell guns. . . . Why all Birmingham would have been in arms. But the object of this statute was this: We will not have our ports in this country subject to, possibly, hostile movements; you shall not be fitting up at one dock a vessel equipped and ready, not being completely armed, but ready to go to sea, and at another dock close by be fitting up another vessel, and equipping it in the same way, which might come into hostile communication immediately, possibly before they left the port. It would be very wrong if they did so, but it is a possibility. Now and then it has happened, and that has been the occasion of this statute. . . .

Now, gentlemen, I present the matter to you in another point of view. The offence against which this information is directed, is the "equipping, furnishing, fitting out or arming." Gentlemen, I have looked, so that I might not go wrong . . . at Webster's *American Dictionary*. . . . No one can complain that I refer to that. It appears there that to "equip" is to "furnish with arms." . . . And I own that my opinion is, that "equip," "furnish," "fit out," or "arm," all mean precisely the same thing. I do not mean to say that it is absolutely necessary (and, I think, that the learned Attorney-General is right in that), it is not perhaps necessary that the vessels should be armed at all points; . . . The question is, whether you think that this vessel was fitted. Armed she certainly was not; but was there an intention that she should be furnished, fitted, or equipped at Liverpool? Because, gentlemen, I must say it seems to me that the *Alabama* sailed away from Liverpool without any arms at all, merely a ship in ballast, unfurnished, unequipped, unprepared, and her arms were put in at Terceira, not a port in Her Majesty's dominions. The Foreign Enlistment Act is no more violated by that than by any other indifferent matter that might happen about a boat of any kind whatever. . . .

Gentlemen, if you think the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then that is a sufficient matter. But if you think the object really was to build a ship in obedience to an order, and in compliance with a contract, leaving it to those who bought it to make what use they thought fit of it, then it appears to me that the Foreign Enlistment Act has not been in any degree broken. . . .

*Attorney-General.* Before the jury give their verdict, perhaps your Lordship would give us an opportunity of tendering a bill of exceptions to a portion of your Lordship's ruling.

*Lord Chief Baron.* I will accept any bill of exceptions you wish to tender.

*Attorney-General.* Strictly speaking, it must be done before the verdict is given.

*Sir Hugh Cairns.* Anything in point of form we will dispense with. The convenient way would be to do it afterwards, I suppose, from the notes of the Charge.

Then the jury returned a verdict for the defendant, as they had no choice but to do, under such directions, and the Attorney-General began again.

*The Attorney-General.* Would your Lordship allow me to hand up a very brief note, so that there may be no mistake? (*Handing a paper to his Lordship.*)

*Sir Hugh Cairns.* Perhaps your Lordship will let us have a copy of it?

*Lord Chief Baron.* It need not be done now. You may wish to put it in some other shape. There will be no mistake about it.

*The Attorney-General.* I was only anxious that we should quite understand what your Lordship has ruled and laid down to the jury. That is very shortly stated. . . .

*Lord Chief Baron.* No, you have got here that if the vessel was not intended to be furnished.

*The Attorney-General.* No, my Lord, it is "furnished or fitted out."

*The Solicitor General.* Your Lordship said that the words were the same. That every one of the words required a warlike armament at Liverpool. That is the point.

*Lord Chief Baron.* Mr. Attorney-General, I will not bind you to what passes on the present occasion. There cannot be any doubt now. I cannot alter the thing, and I have no doubt that you have a very accurate note of what I have said.

*The Attorney-General.* I only wish that we should have your Lordship's concurrence now, while the matter is fresh in your Lordship's recollection.

*Lord Chief Baron.* It cannot be a question of recollection. Depend upon it there is an accurate note of what I have said.

*The Attorney-General.* Will your Lordship allow me to send in a full note from the best materials that we can get?

*Lord Chief Baron.* Certainly.

No one now can ever know whether when Sir Frederick put Sir William off he acted in good faith or with premeditated

duplicity. Probably he felt instinctively a wish to leave some avenue of escape open should he find himself later on in danger of being overruled by his colleagues. But whether this be the true explanation of his conduct or not, he certainly put Earl Russell in a position which, without much exaggeration, might be called terrific. Earl Russell had been led to expect by his counsel that, however Pollock might behave, at least the Government would be able to try to have the worst of his rulings corrected by the House of Lords; but he soon learned that no appeal was open to him unless the Government's exceptions to the rulings of the presiding judge were signed by that judge, and that Pollock would sign nothing. Thus on the one hand Earl Russell could obtain no relief from the higher courts because of Pollock's bad faith, and on the other he could not amend the statute because of Bethell's obduracy. He saw himself drifting into a condition of impotence, when it would be impossible for him to prevent Confederate battleships from issuing from every dock in England.

Yet severe as was the stress under which as rigid a man as Lord John Russell finally bent, it was as naught beside the strain which Mr. Adams endured. He alone had forced the British Government to seize the *Alexandra* and pursue her in the courts; he was even then preparing to try to force them to seize the Laird rams. He had been sent to England as a diplomat and not as a lawyer. Suddenly he became involved in a ferocious combat with a series of the most exalted magistrates upon the English bench, beside whom politicians like Palmerston and Russell were as lambs. And this conflict lasted until he closed his public life with the rout of Lord Chief Justice, Sir Alexander Cockburn, at Geneva.

When the jury trial ended with a defeat for the United States and for the Crown, the cause went over for six months before it could be concluded, to allow time for counsel to draw their exceptions to the rulings of the presiding judge, and to await the sitting of the full court to hear argument on these questions of law. Meanwhile the Confederate agents, elated by their legal success, undertook to obtain recognition from Parliament. Here they were ignominiously beaten, and then, by common consent, all men drew aside while the American Minister closed with Lord John Russell in what was one of the fiercest

diplomatic struggles of the century. The United States had determined, law or no law, to force Great Britain to seize the Laird rams.

As we look back upon the year 1863 we wonder that at that supreme moment the Confederates should have committed their cause in the House of Commons to such a champion as John Arthur Roebuck. Roebuck had never carried much weight in English public life, and he was then old, eccentric and half-crazed with vanity. He actually believed that John Bright feared him in debate. Preparatory to making his motion for the recognition of the Confederacy on June 30, 1863, Roebuck had visited Paris, had obtained an interview with the French Emperor, and had conversed with him touching the foreign policy of England and France. Precisely what passed at that interview is uncertain, but, whatever it may have been, the Emperor did not intend to have the conversation published, and subsequently repudiated Roebuck. Roebuck not only made a violent and foolish speech in the House, but he undertook to tell Parliament the views of the French Emperor as though he were a species of special envoy. The result was that Palmerston snubbed him, John Bright rent him limb from limb, and Roebuck slunk away, without even daring in that friendly assembly to ask for a division on his motion.

Four days after this debate Vicksburg surrendered, Gettysburg was won, and Laird launched the first of his two iron-clad rams. On these rams now hung the fate of the Confederacy and of the English party which supported the Confederacy. It is true that the news of the Northern victories did not reach London until the middle of the month, but for a considerable time the conviction had been growing upon Englishmen that, however brilliantly the South might fight on land, she must ultimately succumb to exhaustion were the blockade to be maintained. They knew also that the South could not raise the blockade unassisted, and that the only assistance possible was English. England might once have intervened with arms, but intervention which had failed in November, 1862, had been publicly discredited by Roebuck's grotesque incompetence. A single chance remained. Ships might sail from England powerful enough to destroy the fleet of the United States and to devastate the Northern coast. Then war would be inevi-

table, and with war with England the American Union must perish.

On July 11, during the interval between the Roebuck debate and the arrival in London of the news of Vicksburg, Mr. Adams began his attack on the Foreign Office. He had from the very outset to make it clear that he was leading up to an ultimatum, for he knew well that nothing less than the presentation of an ultimatum, however he might disguise it in phrases, would stimulate Lord Russell and Lord Palmerston to beard the vast conspiracy by which they were opposed. He began by expressing the regret he felt at having to recur to those "acts of hostility" at Liverpool which had been the subject of his remonstrances ever since his arrival. "In many preceding communications I have endeavored to set forth the facts which appear to me to prove, beyond the possibility of a doubt, the establishment on the part of the insurgents in the United States of a systematic plan of warfare upon the people of the United States, carried on from the port of Liverpool, as well as in less degree from other ports of this kingdom." Strong as his language had to be, however, he was first very careful to explain that he did not intend to imply "the smallest disposition on the part of Her Majesty's Government in any way to sanction, or even to tolerate, the proceedings complained of." But after making this concession to politeness, he stated explicitly that the excuse of lack of legal power would not be accepted by the United States as justification for a dereliction of duty.[1]

> Fruitless as have been the greater part of the remonstrances which I have had the honor to make, I am well aware that the causes assigned for it do not relate to the want of will, so much as to the absence of power in the existing laws to reach a remedy. But, admitting this to be the case, if an injury be inflicted upon an innocent friendly nation, it surely cannot be a satisfactory reply to its complaints to say that the Government, having the will, is not also clothed with the necessary powers to make reparation for the past and effect prevention for the future. . . .
>
> I now have the honor to solicit your attention to the evidence of the last and gravest act of international hostility yet committed. It is the construction and equipment of a steam-vessel of war, of the most formidable kind now known, in the port of Liverpool. All the

[1] *Mr. Adams to Earl Russell*, July 11, 1863.

appliances of British skill to the arts of destruction appear to have been resorted to for the purpose of doing injury to the people of the United States. The very construction of such a vessel in a country itself in a state of profound peace, without any explanation of the objects to which it is to be applied, is calculated to excite uneasiness on the part of those involved in a contest where only it could be expected to be made of use. But when it further appears that it is constructed by parties who have been already proved to have furnished one vessel of war to the insurgents in America, and who are now shown to be acting in co-operation with their well-known agents, . . . it is not unnatural that such proceedings should be regarded by the Government and people of the United States, . . . as virtually tantamount to a participation in the war by the people of Great Britain.

He enclosed a number of affidavits. The affidavits showed that the rams had been begun before the *Alabama* sailed on July 29, 1862, and that plans and specifications for them had been prepared much earlier. These plans and specifications a witness had seen and read at the office of Fraser, Trenholm & Co., of Liverpool, a branch of a Charleston firm called John Fraser & Co., whose head, George A. Trenholm, was the Secretary of the Confederate Treasury. Fraser, Trenholm & Co. managed the English portion of the Confederate finances. They paid the seamen on Confederate war-ships, they negotiated Confederate loans, they conducted blockade running, handled Confederate cotton, and their office was the bureau at which Captain Bulloch of the Confederate navy, who built the *Alabama*, might be seen almost daily, and where he conversed freely touching his plan of campaign. In April, 1863, George Temple Chapman, of New York, had met Bulloch at this office. Bulloch boasted to Chapman that he had already fitted out the *Florida* and the *Alabama*, and "that he was fitting out more, but that he managed matters so that he could defy any one to prove that he was fitting them out for the use of the Confederate Government." The witnesses went into details touching the size and power of the ships, the thickness of their armor, the diameter of their turrets, and the length of the ram or piercer, which they carried on their bows, calculated to be submerged about two feet, when the ships were loaded. All this and much else to like effect these affidavits contained, which Mr. Adams sent to Earl Russell not quite four

months after the famous interview of March 26, during which the British Secretary of State for Foreign Affairs had admitted to the American Minister that "the cases of the *Alabama* and *Oreto* were a scandal, and in some degree a reproach to" English law.[1]

Commenting on these details some months later, Mr. Seward wrote to Mr. Adams that the navy could not resist, and that "The new vessels which the Lairds are preparing must, therefore, be expected to enter Portland, Boston, New York, or, if they prefer, must attempt to break the blockade at Charleston, or to ascend the Mississippi to New Orleans."[2]

On July 13 Earl Russell answered Mr. Adams' note promising to do what he legally could, but he soon found that legally he could do nothing. He had lost the case of the *Alexandra*, and the quarrel between Pollock and Atherton, which was already seething, seemed likely to prevent a revision of the rulings which had amounted to a direction to find a verdict against the Crown. Nor was Lord Russell so favorably situated in regard to the rams as he had been in regard to the *Alexandra*. Bulloch, as he boasted, had learned wisdom. He had caused the Lairds to make a fraudulent conveyance to a French firm, known as Bravay & Cie., who pretended to act as agents for the Viceroy of Egypt, and all had been prepared in advance at Liverpool in anticipation of an investigation by the Foreign Office. On July 8, 1863, three days before Mr. Adams' note to Earl Russell, the Collector of Customs at Liverpool had advised the Commissioners of Customs that Mr. Dudley, the American consul at Liverpool, had asked him to detain an iron-clad built by Messrs. Laird of Birkenhead, but that he had satisfied himself, "from the inquiries I have made from the builders," that the rams "were not built for the Confederates, but are for Frenchmen who first contracted for them." In a postscript he added that the French consul had called on him to say that the ship was French property, and that he would furnish the necessary papers when she was ready for sea. Now, it happened that in the preceding February, Earl Russell had been advised by Mr. Colquhoun, the British Consul-General at Cairo, that this same Bravay claimed to be executing a ver-

[1] *Earl Russell to Lord Lyons*, March 27, 1863.
[2] *Seward to Adams*, September 5, 1863.

bal order in England from the late Viceroy for two steel-clad frigates. But Mr. Colquhoun added that he knew that the Viceroy, after visiting the docks in England and France, had decided against that type of ship. "It is not, therefore, likely he should give an order to one in the trade." [1]

As usual, Earl Russell referred the whole correspondence to the Law Officers of the Crown, who were altogether unmoved by such indications of fraud. On July 24 Atherton, Palmer and Phillimore advised the Foreign Office that "we are clearly of opinion that Her Majesty's Government ought not to detain or in any way interfere with the steam-vessels in question." [2] On July 25 Mr. Adams sent to Earl Russell further evidence confirming Mr. Colquhoun's doubts touching Bravay, and this information was supplemented by Baron Gross, the Secretary of the French Embassy, who denied all interest on the part of France. From this time forward Mr. Adams without intermission inundated the Foreign Office with affidavits, copies of letters, and details touching the movements of Confederate agents, concluding a note written on August 14 in these words: "It is difficult for me to give your Lordship an adequate idea of the uneasiness and anxiety created in the different ports of the United States by the idea that instruments of injury of so formidable a character continue to threaten their safety, as issuing from the ports of Great Britain, a country with which the people of the United States are at peace." Just seven days before this note Mr. Dudley had notified the legation that the first ram "is shipping her turrets. She no doubt can be got ready for sea in a week's time."

Earl Russell was terribly perplexed. He telegraphed to Earl Cowley at Paris, on August 22, to ask if the rams were intended for the French Government. Next day but one Cowley replied: "I beg to report that the iron-clad vessels are not for the French Government."

On August 28 Mr. Dudley wrote to the Collector at Liverpool, requesting that a guard should be put over the ram, as he was informed that the Lairds "meant to run her out to sea either to-night or to-morrow night."

[1] Appendix to the *Case presented on the part of the Government of Her Britannic Majesty* (at Geneva), II. 315.

[2] *The Law Officers of the Crown to Earl Russell*, July 24, 1863.

On August 31 Earl Russell received a telegram from Mr. Colquhoun, stating that the Viceroy of Egypt absolutely repudiated all connection with the rams. At Liverpool the true ownership was notorious. On September 4 Mr. Dudley wrote in something like despair to Mr. Seward:

> If . . . we could summon witnesses and compel them to testify, the case would not be so hard. As it is, you can only obtain it in one of two ways, persuasion and bribery. The first, in a hostile community, like Liverpool . . . is almost impossible, and the last taints the evidence. . . . The newspapers comment upon the matter, and there is scarcely a man, woman, or child in the place but what knows these rams are intended for the Confederates. Among the business men on 'Change it is the leading topic of conversation. No one pretends to deny, but all admit and know, that they are for this service.[1]

What Mr. Dudley wrote on September 4 was not only common knowledge then, but had been trumpeted throughout England and America for many weeks. Earl Russell knew the facts as well as Mr. Dudley, so did Lord Palmerston, so did the Crown Counsel; but the Crown Counsel had had enough at the *Alexandra* trial. No power on earth could wring an opinion from them that the Foreign Enlistment Act sufficed to meet the emergency. On August 20 they wrote to Earl Russell with solemnity: "We cannot advise Her Majesty's Government to interfere in any way with these vessels. There is, in fact, no evidence capable of being presented to a Court of Justice of any intention on the part of any persons in this country, that either of these vessels should be employed in the belligerent service of the Confederate Government against the United States; even if it would have been proper . . . to act upon the assumption that the law recently laid down by the Lord Chief Baron in the case of the *Alexandra* is incorrect."

Earl Russell saw himself fairly trapped. The result had now come to be a problem in dynamics. The Minister of the United States had to develop energy enough to drive the British Government forward in spite of every obstacle which wealth, social influence and legal cunning could put in their path, or war from inertia between England and the United States must supervene. On September 1 Earl Russell gave what purported to be his irrevocable decision.

[1] *Dudley to Seward*, September 4, 1863.

There is no legal evidence against M. Bravay's claim, nor anything to affect him with any illegal act or purpose; and the responsible agent of the Customs at Liverpool affirms his belief that these vessels have not been built for the Confederates. Under these circumstances . . . Her Majesty's Government are advised that they cannot interfere in any way with these vessels. . . . A Court of Justice would never condemn in the absence of evidence, and the Government would be justly blamed for acting in defiance of the principles of law and justice, long recognized and established in this country.

Earl Russell indeed wrote this note on September 1, but, apparently, yielding to that weakness which finally brought the Palmerston administration almost to the point of loss of volition in American affairs, he delayed sending it so long that Mr. Adams did not receive it until about half-past four o'clock on the afternoon of September 4. During these three days Mr. Adams, who suspected that the Crown Counsel were wavering, became so uneasy that he decided to make a further effort. He therefore took advantage, as he explained to Mr. Seward, "of some depositions, of no great additional weight," to write again, on September 3.

He began by pointing out that since France and Egypt both repudiated the Laird rams no reasonable doubt could remain that on leaving Liverpool they would be "at once devoted to the object of carrying on war against the United States of America." He then added, in words which could bear but one interpretation, that though he believed that he had already stated the importance which his Government attached to the sailing of these ships "with sufficient distinctness," yet he felt it his painful duty to make known that he had in some respects "fallen short in expressing the earnestness with which I have been . . . directed to describe the grave nature of the situation in which both countries must be placed in the event of an act of aggression committed against the Government and people of the United States by either of these formidable vessels." [1]

[1] *Mr. Adams to Earl Russell*, September 3, 1863.

The precise order which this correspondence followed is of interest, since it illuminates the intellectual peculiarities of both Earl Russell and of Sir Roundell Palmer. On September 1 Earl Russell wrote to Mr. Adams: "That Her Majesty's Government are advised that they cannot interfere in any way with these

In this last paragraph Mr. Adams referred to Mr. Seward's famous instructions of the 11th of the previous July. In these instructions Mr. Seward, in considering the position taken by Pollock, after pointing out that, were the rulings of the Chief Baron in the *Alexandra* case to be affirmed and acted upon by the Cabinet, the President would be obliged to assume

vessels," because there was no legal evidence against M. Bravay, and also because "the responsible agent of the Customs at Liverpool affirms his belief that these vessels have not been built for the Confederates."

However, it happened this letter was held back and only delivered to Mr. Adams at 4.20 P. M. on September 4, as appears from his note to Mr. Seward of that date. Meanwhile Mr. Adams wrote his strong note of September 3, which was indorsed, at the Foreign Office, as received on the same day. The hour is not indicated. On September 3 Mr. Layard, the Under Secretary, wrote to the Treasury as follows:

FOREIGN OFFICE, September 3, 1863.

SIR, — I am directed by Earl Russell to request that you will move the Lords Commissioners of Her Majesty's Treasury to give directions to the Customs authorities at Liverpool to stop the iron-clad vessels at Messrs. Laird's yard at Birkenhead, as soon as there is reason to believe that they are actually about to put to sea, and to detain them until further orders. I am, &c.

A. H. LAYARD.

Also, on September 3, Earl Russell wrote to Lord Palmerston from Scotland, to tell Lord Palmerston that he had ordered the rams to be detained. Between September 1 and September 3 nothing had been received at the Foreign Office save the affidavits sent by Mr. Adams and another similar one sent by Mr. Dudley to the Custom House.

On September 1 Earl Russell had ordered Mr. Layard to write to the Treasury, that "if sufficient evidence can be obtained to lead to the belief that they are intended for the Confederate States of America" the vessels ought to be detained. This was the day on which he officially notified Mr. Adams that there was no such evidence. It follows that if Earl Russell had not been moved by the letter of September 3, then he changed his mind, since the evidence remained the same, without cause. This was not the statement made by Sir Roundell, who said emphatically in debate that "the Government had grounds for what they did."

On February 12, 1864, the day after the debate in the Lords, Mr. Adams made this comment in his diary:

"There was another debate on American affairs in the Lords, in which Lord Derby proved more successful in ferreting out the facts than on the first night. His compliment to me as having benefited both countries by assuming the grave responsibility of suppressing a despatch is a little beyond the reality. At the same time he dwells upon the series of events in the early part of September, and describes them as a diplomatic triumph, which they truly were.

"Lord Russell's reply was not quite ingenuous. He now maintains that his answer on the 1st of September was not final. The language of that note will speak for itself. To affirm that the change in the evidence within three days was such as to make a complete revolution in the tone is scarcely consistent with probability. Yet if he can make any use of such a flimsy pretence to protect himself from attack, I am content."

that no law existed in Great Britain to protect the United States, and that it was proper that Mr. Adams should know and "be able to communicate to Her Majesty's Government" what the President's views would be in that contingency, formulated this ultimatum:

> If the law of Great Britain must be left without amendment, and be construed by the Government in conformity with the rulings of the Chief Baron, . . . then there will be left for the United States no alternative but to protect themselves and their commerce against armed cruisers proceeding from British ports as against the naval forces of a public enemy. . . . The navy of the United States will receive instructions to pursue these enemies into the ports which thus, in violation of the law of nations and the obligations of neutrality, become harbors for the pirates.[1]

Hitherto there had been no need even to consider the propriety of presenting so drastic a despatch to Earl Russell, but if Earl Russell should, after the intimation contained in the note of September 3, decline to act, Mr. Adams would have to decide whether he would proceed to extremities, or whether he would suppress the instructions and use other means. Should he decide on the latter course, and the rams escape, he would be held responsible for disobedience to orders.

That day, September 3, 1863, when Earl Russell's note declining to stop the rams, and Mr. Adams' note conveying a veiled ultimatum touching their sailing, crossed each other, marked a crisis in the social development of England and America. To Mr. Adams the vacillation of the Cabinet seemed astounding weakness. On September 8 he wrote to Seward, "The most extraordinary circumstance attending this history is the timidity and vacillation in the assumption of a necessary responsibility by the officers of the Crown." To us, who look back upon the Civil War through a vista of fifty years, "the most extraordinary circumstance" seems to be that terrible energy which enabled the United States in the extremity of her agony to coerce the nobility and gentry, the army, the navy, the church, the bench, the bar, the bankers, the ship-builders, the press, in fine, all that was wealthy, haughty, influential and supposed to be intelligent in Great

[1] *Seward to Adams*, July 11, 1863.

Britain. And it was as the vent of this energy that Mr. Adams, after receiving Earl Russell's letter of September 4, wrote on September 5, although despairing of success, his memorable declaration of war. Enclosing a paragraph cut from a Southern newspaper which contained the familiar threat of burning Northern ports with English-built ships, he observed as calmly as though he were summing up a mathematical demonstration:

> It would be superfluous in me to point out to your Lordship that this is war. . . . In my belief it is impossible that any nation, retaining a proper degree of self-respect, could tamely submit to a continuance of relations so utterly deficient in reciprocity. I have no idea that Great Britain would do so for a moment.

Still he did not communicate Seward's instructions. He suppressed them. After profound reflection he decided not to cast away the last hope of maintaining peace. He continued, instead of enclosing a copy of Mr. Seward's note:

> After a careful examination of the full instructions with which I have been furnished, in preparation for such an emergency, I deem it inexpedient for me to attempt any recurrence to arguments for effective interposition in the present case. The fatal objection of impotency which paralyzes Her Majesty's Government seems to present an insuperable barrier against all further reasoning. Under these circumstances, I prefer to desist from communicating to your Lordship even such further portions of my existing instructions as are suited to the case, lest I should contribute to aggravate difficulties already far too serious. I therefore content myself with informing your Lordship that I transmit, by the present steamer, a copy of your note for the consideration of my Government, and shall await the more specific directions that will be contained in the reply.[1]

This letter may well be taken as a perfect specimen of the art of applying the maximum diplomatic pressure along the path of minimum resistance. And yet, strangely enough, this diplomatic gem was not needed. For once Mr. Adams' instinct had failed him. He, possibly through anxiety, credited Lord Russell with more tenacity than he had. Mr. Adams already had prevailed. England had surrendered to the note of the third.

[1] *Mr. Adams to Earl Russell*, September 5, 1863.

FOREIGN OFFICE, September 4, 1863.

SIR, — With reference to your letter of yesterday's date with respect to the iron-clad steam rams from Messrs. Lairds' yard at Birkenhead, as well as with reference to previous letters from you on the same subject, I have to inform you that the matter is under the serious and anxious consideration of Her Majesty's Government.

I beg you to accept the assurances of the highest consideration with which I have the honour to be, Sir, your most obedient servant,

RUSSELL.

Charles F. Adams, Esq., &c., &c., &c.

Further than this Earl Russell, for the moment, could not go, for he did not know whether the Cabinet would sustain him. He had acted on his own responsibility against the advice to the Crown Counsel, and he could only appeal to Lord Palmerston to stand by him. On September 3, the day on which he received the letter which appears to have determined him, he wrote confidentially to the Prime Minister:

MY DEAR PALMERSTON, — The conduct of the gentlemen who have contracted for the two iron-clads at Birkenhead is so very suspicious that I have thought it necessary to direct that they should be detained. The Solicitor General [Sir Roundell Palmer] has been consulted, and concurs in the measure as one of policy though not of strict law. . . . If you do not approve, pray appoint a Cabinet for Tuesday or Wednesday next.[1]

Mr. Adams sent his despatch of September 5 somewhat early. Just before three o'clock in the afternoon he received the note containing Lord Russell's capitulation, and he immediately took himself to task for what he condemned as an error of judgment. "I need not say," he told Mr. Seward, "that had I known of the later course of the Government in season, I should have held it [his declaration of war] back. Feeling as I do the heavy responsibility that must devolve upon me in the conduct of this critical transaction, it is not my disposition to say or do the least thing that may add to the difficulties . . . between the countries."[2] And yet had Mr. Adams from the beginning been able to read the inmost mind of all the members of the British Cabinet, though he might have postponed a blunt presentation of the alternative, and though he might have

[1] Walpole, *Life of Lord John Russell*, II. 359*n*.

[2] *Adams to Seward*, September 8, 1863.

softened it somewhat in language, he could not have changed its substance. The fact had become patent, and sooner or later the fact had to be clothed in some form of words. The pass had come when nothing short of impending war would bridle the English aristocracy. Lord Palmerston, indeed, had to uphold Lord Russell, else Lord Russell would have resigned and the Cabinet would have fallen, but Lord Palmerston could not defend and never did defend his colleague without stultifying himself. The Crown Counsel declined to stretch the Foreign Enlistment Act to cover the case of the rams, but Palmerston, as Prime Minister, had in Parliament refused to amend the statute because it sufficed, and this notwithstanding an avowal by Earl Russell, which he must have known, that the escape of the *Alabama* was a scandal. On consideration Lord Palmerston could think of nothing better to do than to buy the rams for the navy. But Bravay, when asked, would not sell. Such conditions could not long continue without the fall of the ministry or the release of the ships. The position was not tenable. And Earl Russell in reply to Mr. Adams, feeling what he risked and how he was beset, told him with bitterness that he did not appreciate what had been done for him. The Earl began by observing that he had read "your letter of the 5th instant . . . with great regret." He insisted that the Cabinet had taken every step to enforce the law which was "within their competency," and that they would, "from a due regard to their own good faith, and to the national dignity, continue . . . to pursue the same course." He concluded by hoping "that the Government at Washington may take a calmer and more dispassionate view of these matters than seems to be inferred from your note." [1] Earl Russell could have made no such mild reply as this had he been in possession of Mr. Seward's despatch, no matter what the consequences might have been to himself or to England.

Whatever might have been Earl Russell's anxieties and troubles, and however strong the Cabinet's wish "faithfully to perform" their duty, Mr. Adams too well knew their weakness to relax for an instant his grasp. On the contrary, after the seizure of the rams his tone rose from one of stern remonstrance to one of sterner menace. Come what might, so long as he stayed in England, those rams should never sail.

[1] *Earl Russell to Mr. Adams*, September 11, 1863.

In his letter of September 11 Earl Russell had only promised that the rams should be held "until satisfactory evidence can be given as to their destination, or, at all events, until the inquiries which are now being prosecuted . . . shall have been brought to a conclusion." To this my father rejoined that if Lord Russell felt impelled to tell him that he had read the letter of September 5 with "great regret," it could not "exceed the regret with which I wrote it."

I trust I may be pardoned if I was somewhat moved on perceiving that the peace of two great countries, and the lives of perhaps thousands of the people inhabiting them, were about to be seriously endangered, . . . by reason of the want of a scruple of technical evidence to prove a gross and flagrant fraud. With regard to the opinion of Her Majesty's Customs Agent at Liverpool, I had already had abundant cause to know the value of that in various . . . remonstrances against the notorious proceedings at that port. If Her Majesty's Ministers look no further for proof to invalidate the evidence which I have had the honor to present, I can readily foresee what will be the issue. . . . I may be pardoned if I here remind your Lordship of the significant language used in a parallel case in former days by that distinguished British statesman George Canning, when he deprecated the consequence of "permitting the paltry, pettifogging way of fitting out ships in British harbors" to "sneak his country into a war."

If then, there be any virtue in the authority upon which Her Majesty's Government deliberately decided that the provisions of the Foreign Enlistment Act could be enforced, without . . . amendment, this is surely a most fitting and urgent occasion. . . . I have reason to believe that no efforts are intermitted to prepare the war vessels for immediate departure. . . . I shall be little surprised at learning . . . of . . . any . . . expedient, however audacious . . . which may have for its object the possession of these formidable ships.[1]

Since Trafalgar no British minister had endured such language, and Lord John Russell could not endure it in silence and yet hope to keep his authority in Parliament. As it was, this haughty aristocrat was soon to hear himself accused of cringing before a foreign power. So when Lord John came to answer imputations against the honesty of his subordinates and reflections on his own common sense, he launched into

[1] *Mr. Adams to Earl Russell*, September 16, 1863.

vaunts which he knew to be untrue, and, what was worse, which he knew might before long become the jest of Europe, by being published, if not at home, at least in America.

There are, however, passages in your letter of the 16th, as well as in some of your former ones, which so plainly and repeatedly imply an intimation of hostile proceeding toward Great Britain on the part of the Government of the United States, unless steps are taken by Her Majesty's Government which the law does not authorize, or unless the law which you consider as insufficient is altered, that I deem it incumbent upon me, in behalf of Her Majesty's Government, frankly to state to you that Her Majesty's Government will not be induced by any such consideration, either to overstep the limits of the law or to propose to Parliament any new law which they may not, for reasons of their own, think proper to be adopted. They will not shrink from any consequences of such a decision.[1]

The very day after he had pledged his word that nothing could induce the ministry to which he belonged "to overstep the limits of the law," he received notice from the American legation that a strong detachment of the crew of the *Florida* had reached Liverpool, consigned from Brest, by a commander in the Confederate navy, to Captain Bulloch, who had built the *Alabama*, and who was then building the rams. Such a violation of neutrality, Mr. Adams was very sure, "if committed by any agent of the United States, would be likely to attract the immediate notice of Her Majesty's Government," but this was incidental. The coming to England of this force indicated a design to seize these ships and take them to sea by violence.[2]

Hitherto Liverpool had been solidly for the South. Now it split into factions. The officials of the Custom House were more convinced than ever that the Lairds were spotless, and that, even if they were building battle-ships for the Confederates, they might be implicitly trusted to notify the Government in season, of the day and hour on which they were to sail. So high did the reputation of the Lairds for truth and veracity stand among this gentry. The naval officers, on their side, were equally convinced that there was grave danger of an

[1] *Earl Russell to Mr. Adams*, September 25, 1863.
[2] *Mr. Adams to Earl Russell*, September 24, 1863 (received September 26).

outbreak, and there can be little doubt that some attempt at a rescue would have been made, had not the guarding of the rams been assigned to Captain Inglefield of the *Majestic*. For once the Ministry employed, in the enforcement of their neutrality, an energetic, competent and honest agent. Captain Inglefield did not rest until he had opened the docks, towed the battle-ships into the river, and anchored them under the guns of his frigate, with a strong guard on board.

Only a consecutive perusal of the correspondence of those months can make us realize how high passions ran. On September 24 Sir Roundell Palmer became Attorney-General, and the tone of the Law Officers of the Crown sank lower than ever. Conversely affairs in Liverpool waxed warlike. Captain Inglefield made all his preparations for boarding the ram called *El Mounassir* in force, should the Lairds try to run her out on some foggy night. On October 25 he wrote confidentially to the Admiralty, that the ill-feeling among the Laird hands was so great that he had obtained one of the fastest steamers on the river, because, when it came to towing the ram from the dock, "one back-turn of the tug's wheels might send our pinnace and crew to the bottom (should it be found necessary to board), . . . [therefore] I determined to send a fast steamer which would be quite a match for the tug-boat, and could act, in case of necessity, to take forcible possession. . . . I proposed . . . (on receipt of a preconcerted signal) to embark sixty armed men at a few minutes' notice, and so to put myself speedily in a position to support the . . . Custom House officers."[1] To the Custom House the Lairds continued to be to the end as innocent as lambs. On October 14, long after the crew of the *Florida* had arrived, the Collector wrote to the Commissioners of Customs that, because of the presence of these men, "It appears that apprehensions are entertained that forcible possession may be taken of these ships, and that they may be carried away by Confederate agency; I have therefore instituted careful inquiry . . . and the result of such inquiry is, . . . that there is not the slightest foundation for supposing that any such intention exists."[2]

[1] *Captain Inglefield to Vice-Admiral Sir F. Grey*, October 25, 1863. Appendix to the *Case presented on the part of the Government of Her Britannic Majesty* (at Geneva), II. 417.

[2] *Edwards to the Commissioners of Customs*, October 14, 1863. *Ib.* II. 401.

On October 29 Mr. Adams pointed out to Mr. Seward that, while he had confidence in Captain Inglefield, it was remarkable "that any such question as the defiance of the Government in a leading British port should be supposed possible," and commented on the fact that though Mr. Laird, member for Birkenhead, was said to be a timid man, he had dared, in a speech at Liverpool, "to threaten the Government itself, if they attempt to interpose their power to prevent his evading the law of the land, even though thereby it should hazard the peace of the country."

By the middle of October every one whom Bravay had originally mentioned as being builders of the rams had repudiated him. No one would even consider them as a possible purchase except the Sultan of Turkey, who recently had intimated that, if such ships were really for sale he might like to see the plans. He was, however, not dealing through the Viceroy, and was committed to absolutely nothing. On October 16 Earl Russell received this telegram from Mr. Colquhoun: "The Viceroy denies emphatically that he has in any manner engaged to induce the Porte to purchase the iron vessels. He declares that the subject was never mentioned between himself and M. Bravay, and that the latter is perfectly at liberty to do what he pleases with them. His Highness from the first refused to recognize any of Bravay's contracts." All this time the Lairds clamored for their ships louder and louder, and Lord Russell applied to the Law Officers to know how to justify the seizure. From the beginning Sir Roundell had been of the mind that the seizure could not be justified under the law, yet the seizure had been made, and he could only tell Lord Russell that he must inform the Lairds that he had acted "under the authority of the provisions of the Foreign Enlistment Act." But still Sir Roundell was as timid as any hunted hare. The main question, after all, said he, is "whether M. Bravay in fitting them [the rams] out at Liverpool had a fixed intention that they should be employed in the Confederate service." This question, he continued, depending largely "upon moral and circumstantial evidence, makes it important to exclude, if possible, the supposition" that "M. Bravay may really have contemplated a sale of these vessels to the Turkish through the Egyptian Government . . . with respect to which our present information

is not satisfactory." [1] Sir Roundell's opinion was actually given five days after Mr. Colquhoun's telegram. It would not be easy in all the long roll of opinions of attorney-generals to find one more craven.

So the autumn wore away, and as winter came on Lord Russell meditated on facing Parliament with these rams on his hands, and Sir Roundell on meeting the Court of Exchequer without a bill of exceptions signed by the Chief Baron. Sir Roundell knew that Sir Frederick would do him and the Ministry all the harm he could, and Sir Roundell was not the man to coerce a domineering judge. His predicament was almost as unpleasant as Earl Russell's, while he had a thinner skin and far less courage. So when it came to the test between these men Sir Frederick routed Sir Roundell and precipitated chaos. On this subject Sir Roundell was always somewhat sore, and he subsequently, in his *Memorials*, published his version of what happened. His tale begins with the jury trial. I give it in his own words somewhat condensed.[2]

The Lord Chief Baron, after summing up the evidence, put before the jury the question of law on which it was his duty to direct them. The Chief Baron, having stated that the word "equip" in the statute meant "arm," went on to say:

> It seems to me that, if the *Alabama* sailed from Liverpool without any arms at all, as a mere ship in ballast, so that her armament was put on board at Terceira, which is not in Her Majesty's dominions, then the Foreign Enlistment Act was not violated at all. The question is, was there any intention, in the port of Liverpool or any other port, that the ship should be (in the language of the Act of Parliament) equipped, fitted out, or armed, with the object of taking part in any contest? If you think that the object was to equip, furnish, fit out, or arm that vessel at Liverpool, then there is sufficient matter for your consideration. But if you think the object really was to build a vessel in obedience to orders and in compliance with a contract, leaving it to those who bought it to make what use they thought fit of it, then it appears to me that the Foreign Enlistment Act has not in any degree been broken.

On the one hand it was admitted that the ship had been built as a ship of war for the Confederate States; on the other hand

[1] *The Law Officers of the Crown to Earl Russell*, October 19 and 21, 1863.
[2] Earl of Selborne, *Memorials, Family and Personal*, II. 442 *et seq.*

there was nothing to show that she had been armed, or that there had been an intention to arm her, within British jurisdiction. On this evidence and with these directions the jury

had no choice but to return a verdict against the Crown, acquitting the ship, which they did. We desired to bring the question of law . . . before the House of Lords. This could only be done at that time in one way, by what was called a "Bill of Exceptions" to the ruling of the Judge; which it was necessary to tender immediately. . . . This we proposed to do, and wrote out and would have handed in our exceptions, but for the interposition of the Judge; who said, "I will accept any Bill of Exceptions you choose to tender." The proceeding was technical; . . . and it was usual, in cases of importance, to allow time for drawing it up. When, therefore, the Lord Chief Baron intimated that we were not to be bound by what had been prepared at the moment, . . . we left the court well satisfied with that understanding. . . . That any difference could arise as to what the direction given to the jury was, did not occur to any of us as possible; we had the words before us, which seemed unambiguous. If the Lord Chief Baron were not satisfied with our way of putting it, it could be put in his own words, or in any other way (the substance being the same) which he might consider more accurate. Our surprise, therefore, was great, when, after a long correspondence with Sir William Atherton during the vacation, his Lordship disclaimed the ruling, . . . and refused to sign any Bill of Exceptions at all. In vain did Sir William Atherton press upon him the words which he had used, and especially what he said about the *Alabama*. He replied that "the *Alabama* had no more to do with the matter than Noah's Ark."

So stood the case, when Sir William Atherton was compelled, by the illness of which he died early in the following year, to retire from office. I succeeded him as Attorney-General on the 24th of September; my own place being taken by Collier.

When the Courts met at the beginning of Michaelmas Term, my first official duty was to move for an enlargement of the time within which the Bill of Exceptions, in the *Alexandra* case, might be signed. I said I had no reason to believe that, on that subject, there would be any difference between our opponents and ourselves; and that I could not relinquish the hope that the Lord Chief Baron might still agree to what was necessary, in order to obtain such a determination of the real question as might be satisfactory to all parties, and useful to the public. But the Lord Chief Baron interposed; "he saw no prospect whatever of any change in the view which he had taken in his correspondence with Sir William Ather-

ton." He denied that he had told the jury the ship must be armed in order to come within the Act, and said he had left the matter at large to them. When I stated my conviction that the jury had been guided by what they understood to be his interpretation of the Statute, he answered, — "Nothing of the kind." His colleagues upon the Bench did not seem to like the situation; and, in their anxiety to find a way of escape from it, they suggested that they had power, by making new Rules of Court, to give a right of Appeal in Crown suits, . . . and intimated that they were prepared to make use of that power. . . . To this the Lord Chief Baron was willing to agree. He was more than eighty years old, having presided over the Court of Exchequer for nineteen years, with general respect. To press any further a public controversy with him, of which the character must have become personal, would have been painful and unseemly; and, under these circumstances, the only thing possible was to give up the Bill of Exceptions which he refused to sign, and to move for a new trial, hoping to have a right of Appeal under the new Rules, which were accordingly made.

I obtained a Rule *nisi* for a new trial; and, on the motion that it should be made absolute, an elaborate argument took place. It was then admitted that the question did depend entirely upon the point of law which we had desired to raise by our Bill of Exceptions. Judgment was given on the 11th of January, 1864, when the Court was equally divided. The Lord Chief Baron took the same view of the law which we had understood him to lay down to the jury at the trial, and Baron Bramwell agreed with him. The other two judges, Barons Channel and Pigott, dissented, adopting the construction of the Statute upon which the Crown relied. As a necessary consequence of that equal division of opinion, the motion for a new trial was refused. In vain did we appeal to the Exchequer Chamber, and from the Exchequer Chamber to the House of Lords. In both it was held, by a majority of voices (though in both there were great judges who differed from the majority), that the Court of Exchequer had no power to make the new Rules giving us a right to appeal. The consequence was that the *Alexandra* was released, and passed into the service of the Confederate States. The question of law was left undetermined (I should rather say) in greater uncertainty than before.[1]

When Sir Roundell wrote his *Memorials*, toward the close of his life, he very naturally wished to make a good case for him-

[1] Sir Roundell Palmer was not absolutely exact in his report of the instructions given by Pollock, C. B. See p. 284, *supra*.

self, but the best is poor. He seems to have been afraid both of Lord Westbury and of the Chief Baron, who, though nearly eighty-one, had no scruples and a bitter tongue. Sir Roundell could only have appeared well had he shown courage and singleness of purpose. First he had to deal with the law. The decision in the *Santissima Trinidad* stood in his way, as it subsequently stood in the way of the United States at Geneva. Mr. Bancroft Davis, who represented the United States at Geneva, treated it properly. Standing alone, said he, the *Santissima Trinidad* is "at variance with common sense, and with the whole current of the action of nations." If it must be taken alone, he should ask the Tribunal to disregard it. Happily, he argued, there is no necessity to take it alone, since, at the same term, and on the next day, it was so explained and limited by Chief Justice Marshall, in the *Gran Para*,[1] that the two cases can be read together, forming, as it were, but one.[2] Any errors made by Justice Story on March 12, 1822, were corrected by the head of the Court on March 13.

Had Sir William Atherton lived, some such argument might have been made, for Sir William was a stiffer man than Sir Roundell, and at the jury trial resolutely refused to commit himself. Afterward I came to know Sir Roundell rather well, considering the difference in our age and rank. He was a very agreeable man, but not famous either for ingenuousness or pugnacity, especially when on the weaker side. Here he found himself in a dilemma. Lord Westbury was committed to the doctrine of *animus*. Sir Roundell did not wish to run counter to Lord Westbury, therefore he conceded the soundness of the *Santissima Trinidad*. He did not insist that the meaning of a statute on which hung peace and war could not be juggled with. He himself was always only too ready to split straws. He split straws here. He denied any international obligation to enforce municipal law. Nor did he dare, when Sir Frederick repudiated his promise to allow the Government's exceptions, and brazenly sneered at his own written words, to take the old man by the throat. He should, if he had been in earnest, have thrown up the case and reported the falsehood of the judge to Parliament for the legislature to deal with, as with an inter-

[1] 7 Wheaton, 471.
[2] *Case of the United States* (at Geneva), 198, 202.

national breach of faith. Nothing of all this did he even attempt. He tamely argued his cause on the basis of the *Santissima Trinidad*, thus laying himself and the Cabinet open to an outrage from Sir Frederick which was remembered and quoted both in and out of Parliament for years to come.

> The result of the argument on the part of the Crown seems to be this (said Sir Frederick), A shipbuilder may build a ship altogether of a warlike character, and may arm it completely with the latest and most mischievous invention for the destruction of human beings, and may then sell it to one of two belligerents, with a perfect fitness for immediate cruising, and ready to commit hostilities the instant it is beyond the boundary of neutral territory, provided there was no previous contract or agreement for it. But if there be any contract or agreement for it, it cannot be made to order with the slightest warlike character about it, though this be part of the accustomed and usual trade of this country. . . . The means of evasion which this furnishes is obvious. A signal, a word, a gesture, may convey an order wholly incapable of being proved. It is unnecessary to dwell upon this; it is at once perfectly obvious; and the real difference between a crime and an act of commerce may, in point of evidence, entirely disappear. To use an expression borrowed from one familiar in Westminster Hall about a coach and six, a whole fleet of ships might sail through such an Act of Parliament as this, if this be the meaning of it; and we are to believe that our legislators exhausted all their wisdom in settling the language of the 7th clause, and had none remaining to perceive the enormous loop-hole which they had left.

This thrust by Sir Frederick at Sir Roundell and Lord Westbury is another instance of that social incoherence which paralyzed the aristocracy in its conflict with America. Sir Frederick was a Tory politician, and as a Tory he used this opportunity to discredit a Whig Cabinet and a Whig Chancellor. For Sir Frederick stigmatized, as dishonest, opinions which Lord Westbury was known to entertain, and which he announced from the bench in 1865 in *Ex parte* Chavasse. Nor could the attack on Lord Westbury have been accidental; for Sir Frederick paraphrased the language afterward used by the Chancellor, and this paraphrasing must have been intended for parliamentary effect. It did have a very considerable effect, as the debate a few weeks later proved. Still deep as Pollock may have cut, he cut less deep than did his associate, Baron

Bramwell, who was the only one of Pollock's three associates who sustained him. Baron Bramwell was a better lawyer than Sir Frederick, and his opinion carried more weight. He said, in substance, that setting aside all personal opinions as to the better policy to pursue in the enforcement of neutrality, he, as a judge, had only to consider the meaning of the statute, and he thought that the statute intended to render penal only the sending forth of an armed ship to participate in war. "I am aware of the consequences if this is the law. A ship may sail from a port ready to receive a warlike equipment, that equipment may leave in another vessel, and be transferred to her as soon as the neutral limit is passed, . . . and thus the spirit of international law may be violated, and the letter and spirit of the municipal Act evaded. But as the law stands, . . . I see no remedy. . . . I am aware, of course, that it would be easy to . . . make a law prohibiting the sending forth of [such] a ship. . . . Whether such a law would be desirable I do not presume to suggest." Baron Bramwell was right, it was not the function of the judges but of the Cabinet to decide "whether such a law would be desirable," and if the Cabinet honestly wished England to do her duty as a neutral, and were advised by their counsel, as they had been, that the statute was imperfect, nothing could be plainer than that an amendment "was desirable." Why Lord Palmerston and Lord Russell so obstinately declined to ask Parliament for additional legislation they never could, or at least they never would, satisfactorily explain. The only convincing explanation would have been that, as honest men themselves, they had not supposed that English judges could have resorted to flagrant equivocation to compass a political end, especially when that end involved a repudiation of solemn engagements with the Crown. But if this were their reason they could hardly have given it, in view of the vulnerability of Lord Westbury.

So far as the Chief Baron was concerned, it is not very surprising, considering the manner of man he was, that he should have been willing to go great lengths to prevent his rulings from coming before a higher English tribunal, for the character of those rulings was very shortly and very thoroughly exposed by the Scotch Court of Session.

Many of the brightest ornaments of the British bench and

bar have been Scotchmen, and the Court of Session, to say the least of it, has always stood as high as the Court of Exchequer. The Court of Session in 1864, without hesitation, unanimously swept aside the pettifogging of the Exchequer in a decision which, if it had been made in England in 1863, would have saved the nation from bitter subsequent humiliation.

On December 10, 1863, the Collector of Customs at Glasgow seized the ship *Pampero*, as the *Alexandra* had been seized, for violation of the Foreign Enlistment Act, and the Lord Advocate filed an information in which he did not allege an armament because he could not do so. On May 5, 1864, the case came up on a preliminary objection made by the claimants to the competency of evidence to prove an "equipment" in contravention of the statute, when the evidence fell short of proving an armament. Lord Ardmillan held that, "The actual arming . . . or intention to arm . . . is not necessary to the constitution of this offence. Any operation whatever in the way of equipment, tending to the fulfilment of the statutory intent," is an offence under the Act.[1]

After this ruling the claimants agreed that judgment should be entered for the Crown, and the building of a Confederate navy on the Clyde ended.

Occasionally, as Mr. Gladstone said of himself, even the wisest men behave as if distraught. Mr. Seward was, unquestionably, one of the ablest ministers of Foreign Affairs which our country has produced, and yet Mr. Seward in the winter of 1863 perpetrated an act of such astounding recklessness that, as I look back upon it, I am aghast. No one in America knew so well as Seward the extreme tension in England in December, 1863; no one knew so well the pressure on Lord Russell, or the precarious tenure of power of the Cabinet. No one could appreciate, as he could appreciate, the disaster it would be to the United States should the Palmerston administration be defeated in the Commons on the issue of the seizure of the rams. And yet Mr. Seward in December, 1863, sent to Congress, appended to the President's message, not only the whole correspondence touching the rams, which he knew Earl Russell was sedulously reserving, but even those instructions of July 11 which Mr. Adams had thought so compro-

[1] Lord Advocate *v.* Flemming, 2 *Cases in the Court of Session*, 3d Series, 1060.

mising that he risked his reputation and his political life rather than present.

The shock in England was prodigious, coming, as it did, on the heels of the *Alexandra* scandal, and immediately before the meeting of Parliament. Mr. Seward had said bluntly what Mr. Adams had said discreetly, that England had no law for the protection of countries with whom she was at peace, therefore those countries must, at whatever risk, protect themselves, and this statement had been proved to be true by the antics of an octogenarian chief justice. As Mr. Adams wrote to Mr. Seward: "The feeling of the profession seems, on the whole, to be one of mortification at this spectacle. . . . The English are indifferent to reproach, but they sensibly feel ridicule. Proudly as they boast of the perfection of their domestic institutions, it is with no little regret that they open their eyes only to perceive so glaring an instance of their defects." [1]

Nor was this all, or the worst. Englishmen now understood for the first time the position into which the Palmerston administration had brought their country. The culmination of English pride and self-complacency is marked by the appearance of Macaulay's History, and may be fixed pretty precisely as the year 1860. That period of elation lasted until the publication in Washington of this diplomatic correspondence. From the wound it then received it never recovered. Go back as far as they would Englishmen had bragged that England had never turned her back upon an enemy. Sometimes she had been defeated, it is true, but she had never been intimidated. Yet in 1864, when they came to read this diplomatic record, they learned how the most distinguished member of the great house of Russell, with his own admission before his eyes that the escape of the *Alabama* was a scandal, and with the whole world ringing with the boasts of the Confederates that with certain English-built ships they would devastate the seacoast of the Northern States, had told the American Minister on September 1 that he could not "interfere in any way with those vessels," out of respect for English law; and how, on the day after this declaration, he had seized those very ships, in defiance of law,

[1] *Adams to Seward*, April 8, 1864. Mr. Adams probably received most of his impressions touching legal opinion from Lord Wensleydale, an intimate friend. Lord Wensleydale dissented when the House of Lords dismissed the *Alexandra* appeal in 1864.

because of an intimation that hostilities must follow upon their escape.

Even so the most damaging revelations had not been disclosed. Mr. Adams himself never knew that on the day Earl Russell assured him that Gladstone's Newcastle speech did not "justify any of the inferences that had been drawn from it, of a disposition in the Government now to adopt a new policy," [1] Lord Russell and Mr. Gladstone had jointly urged intervention, and that on that day the design had been formed to engage the French Emperor in an attempt to influence the Cabinet, after other means had failed. Nor, more humiliating still, though Englishmen might surmise, they could not yet prove, that Lord Russell held the Laird rams without trial, in the hope of starving the Lairds into making to him a sale, because his Attorney-General did not dare a second time to face Sir Frederick. It was only a year later that Lord Russell told Mr. Adams that Sir Roundell's timidity had driven the Cabinet to adopt the expedient of buying the rams, since he would not trust a jury with Pollock on the bench.

"I," Mr. Adams wrote to Seward on February 16, 1865, "remarked that I had become convinced, from the result of the last trial, that the United States could stand no chance before a jury. His Lordship said that it was in consequence of doubts of the Crown lawyers, in the case of the iron-clads, as to the possible presence of one or two advocates of the Confederates on the jury, that it had been decided to buy them up. People here now took sides, almost as vehemently on our questions, as we did ourselves." [2]

On February 4, the first night of the session, Parliament showed its temper. Lord Derby expressed the hope that Earl Russell had answered, in what Earl Russell afterward described as "becoming terms," Seward's instructions of July 11, touching the destruction of Confederate cruisers in English ports by the American navy. On February 9 Earl Russell, luckily for himself, was able to answer that, when the noble Earl had asked his question, he did not remember any such despatch. "I find since, that it was a despatch written by Mr. Seward to Mr. Adams, but Mr. Adams never thought proper to lay that

[1] *Adams to Seward*, October 24, 1862.
[2] *Adams to Seward*, February 16, 1865.

despatch before me, and therefore I was spared the difficulty and the pain of giving an appropriate answer to it."

Then the Earl of Derby pressed Earl Russell harder. "I presume," said he, "that it has now been laid before the noble Earl, because I see that a reference is made by Mr. Adams" to an answer "to several despatches, among which he includes the despatch of July 11."

*Earl Russell.* "I certainly do not find among the papers the despatch of July 11, and Mr. Adams informed me expressly that he had received that despatch and did not hand it to me. That being so, I should not do so useless a thing as endeavor to get up a wrangle with Mr. Adams on a despatch which was never presented."

All this disturbed Mr. Adams, but not because it injured his own standing, for it improved it. As he told Mr. Seward in a letter he wrote him on February 11: "The effect is to raise my action in the British estimation rather more than it deserves, or I altogether relish;" for he did not "relish" having his reputation raised at the expense of his friends and more especially of his chief. All England saw that the United States had won a magnificent victory, and men paused in their astonishment, not knowing at which to wonder most, the victory itself or the skill of the champion. Lord Derby, who was the head of the Conservative party, may be supposed to have fairly expressed British educated opinion, and Lord Derby, in the debate, went far. "I think Mr. Adams took upon himself a grave responsibility — a very grave one it was — in not presenting it [Mr. Seward's instructions of July 11]; and I think that in so doing he acted as a friend of peace and a friend of the good relations between the two countries. I think it required no small degree of moral courage to take the course he did, and that he did good service to both countries by withholding the despatch. . . . And here I must observe that, in all the communications which it has been his duty to make to the noble Earl, Mr. Adams has acquitted himself with the strictest courtesy, and acted as well, under the circumstances, as it was possible to do." [1]

Then Lord Derby went on to describe the magnitude of the

[1] Hansard, Third Series, CLXXIII. 429, 430. Lord Derby in the debate of February 11, 1864.

American triumph. Having summed up the sequence of the correspondence which culminated in Lord Russell's despatch of September 1, refusing to interfere, of Mr. Adams' despatch of September 3, intimating that the escape of the rams must mean war, but suppressing the July instructions, and of Lord Russell's answer of September 4, stating that the determination not to interfere was under reconsideration, Lord Derby continued:

"I defy anyone, even the least prejudiced, not to infer from it [the volume issued by the State Department] a great triumph to the diplomacy of the United States, and that the British Government had given to intimidation and menace that which they would not yield to a sense of justice." [1]

Mr. Adams was surprised at the effect which the publication of the correspondence in England had upon his personal position. From this time forward he stood quite apart. He commented upon the phenomenon with some wonder in his diary. He could see nothing so very remarkable in a minister, entrusted with a negotiation of supreme importance, taking the responsibility of temporarily withholding a despatch which he thought likely to be injurious, even if by so doing he risked reprimand himself. He knew, he noted, that he had been calm throughout, and undisturbed by doubts touching his duty; and this was how he always impressed me. He had something nearly approaching a perfect poise of mind.

When, however, on reading the debates in Parliament, he perceived that Lord Derby and the opposition generally were inclined to use him as foil by which to discredit both Mr. Seward and Earl Russell, he determined to set himself right. He wrote to Mr. Seward that nothing could be "more unsafe to a diplomatic agent than an approach to a false position between two Governments;" and he then pointed out, as gently as he could, how narrow the margin had been between success and ruin, and how trifling an error might still work disaster:

"The publication of the diplomatic papers annexed to the President's message has elicited much comment in Parliament and in the newspapers, upon your instructions to me, . . . particularly that portion of them which declared the

[1] Hansard, Third Series, CLXXIII. 432.

intention of the Government, under certain contingencies, to enter English ports and seize obnoxious vessels."

He then explained that he had not intended to suppress those instructions altogether, but to reserve them as a last resource, when the British should have made their final answer declining to stop the rams.

But when that moment arrived, which was on the reception of Lord Russell's note of the 1st of September, I felt so fearful that the declaration of that intention would close all further possibility of preserving the peace between the two countries, that I preferred to take the other course indicated in my reply of the 5th, which was, while intimating the strong character of my instructions, to propose to await new ones adapted to the precise emergency rather than to declare them. As matters actually turned, this proceeding seems to have been fortunate; for while the general statement in my note left on this Government the impression that war might be the alternative in contemplation, the language took no such specific shape as to compel it to resent it as a threat.[1]

It is only justice to both Mr. Seward and Lord Russell to say that neither bore malice for anything that had occurred. Lord Russell was as cordial to my father as ever, and Mr. Seward behaved in the handsomest manner. When he understood that "British statesmen whose opinions the President would be the last to undervalue, have declared that in their judgment portions of that communication are disrespectful and menacing toward Her Majesty's Government," he instructed Mr. Adams to refer the paper "to Earl Russell's own criticism, with the request that whatever expressions contained in it he shall consider exceptionable be deemed to be hereby withdrawn." He added expressions of regret that any words had been used which might be taken as matter of offence.[2]

This atonement for an indiscretion did not, however, reach London until long after the moment had passed which Mr. Adams had anticipated as being likely to determine the fate of the ministry. The crisis came in the House of Commons, nominally on a motion for the communication of this correspondence to Parliament, but the debate took such a form that

[1] *Adams to Seward*, February 11, 1864.
[2] *Seward to Adams*, March 2, 1864.

the division was tantamount to a vote on a motion to censure. If it had been carried, the ministry must have resigned.

As presented to Great Britain the matter in dispute had now risen to a level above ordinary party differences. A question was to be settled which touched the very foundation of English society, as English society was then organized, and the emotion was correspondingly profound. The aristocracy had broken down in a policy of aggression, and now the ministers who represented that aristocracy appealed to the exponents of democracy, like Bright, Cobden, and Forster, for support. They carried the House, but only by defections from the ranks of those who normally should have voted to remove them and fill their places with more resolute men. How the handful of men who turned the scale would have voted had Seward's instructions of July 11 been delivered, can only be conjectured.

On the night of February 23, 1864, Mr. Seymour Fitzgerald,[1] member for Horsham, moved for copies of all the papers relating to the Laird rams which were in the possession of the Government, and thereupon a debate arose which lawyers of the last generation long remembered both for its ability and its acrimony. Mr. Fitzgerald asked how it came that Earl Russell, having declined to interfere with the rams for lack of evidence down to September 3, 1863, stopped them on September 4, with nothing new against them save one or two depositions, described by Mr. Adams as "of no great additional weight."

> What passed to lead to this sudden change of opinion on the part of the noble Earl? That has been answered by a despatch from Mr. Adams himself [to Mr. Seward] . . . dated September 8, 1863. It states that — "At the last moment on Saturday, I sent a despatch [from Earl Russell] . . . just then put into my hands, signifying that the decision of the Government announced in his previous note of the 1st instant had, under the effect of my notes on the 3d instant, been subjected to *reconsideration*." There, Sir, is the secret of the whole matter. The real truth is, that, while using language milder than that of the officials at Washington, Mr. Adams had yet used language so forcible as almost to be menacing, and in his despatch of the 3d September, couched in the most temperate lan-

[1] William Robert Seymour Vesey (1818–1885), son of William, second baron Fitzgerald, Under Secretary of State for Foreign Affairs under Lord Derby, 1858–1859; governor of Bombay, 1866. The debate is reported in Hansard, Third Series, CLXXIII. 955–1021.

guage, the American minister pointed out distinctly that the event of the rams leaving the Mersey and inflicting injury on American commerce would infallibly lead to a war between this country and the United States. (Hear, hear, from ministerial benches.) I scarcely know what honorable gentlemen are cheering at when the statement I make is this, that the Government, without having any legal authority, and having stated that they had no legal authority to stop these rams, yet under the pressure of a menace held out that war would ensue if they did not stop them, proceeded to take that course. (Mr. Dunlop: Hear, hear.) Is that the statement which the honourable member cheers? Is it that we should have a Government who, having themselves announced that they had no legal authority for the act, yet in spite of the law seized the property of a British subject, because they were told by the representative of another power, that if they did not do so consequences would be serious? . . . I can say, with truth, that there is no man who would more deprecate any difference or hostility between this country and the United States than myself. . . . But if I am to be told that the English Government, in order to avoid such a war, is to transgress the law and seize the property of a British subject without any justification, then I say that I will never approve the conduct of a minister who would take such a course; but, on the contrary, am prepared to accept any consequences [rather] than pursue such a line of policy.

It fell, of course, to Sir Roundell Palmer, the legal adviser of the ministry, to answer Mr. Fitzgerald, and Sir Roundell's speech was exceedingly characteristic, and might be called amusingly disingenuous. At least Sir Hugh Cairns thought it so. Sir Roundell first protested that it was unheard of to ask a Government to print its evidence in advance of a prosecution, although in truth it had no evidence against the Lairds, better or stronger than that contained in Mr. Adams' despatches, and the depositions annexed. He then went on to repel the accusation that the Government had yielded to menace, as Lord Derby had charged.

On the whole, (said Sir Roundell,) it did not appear to the Government proper then [prior to September 1] to treat the vessels as liable to confiscation. That decision was announced to Mr. Adams on the 1st of September. It is said, however, that Mr. Adams, on the 3d of September, repeated his instances, and that on the 4th an order was given to detain these vessels, or to prevent them from

leaving the port of Liverpool. That order, however, was not the result of a decision adopted by the Government after the receipt of Mr. Adams' letter of the 3d of September, but, as stated in another place, of a decision arrived at previously. The Honorable Gentleman asks whether any new information reached Earl Russell in the meantime. That is just the one thing contained in the papers . . . which we do not mean to tell him, but he may be sure that the Government had grounds for what they did.

As everybody knows now, on September 4, Earl Russell had nothing before him save the note of September 3, which had not been before him when he sent his note of September 1, nor anything of material importance which had not been before Sir Roundell when he gave his opinion of August 22, on which Earl Russell's note of September 1 was founded. What had happened was that by September 3 the pressure on Earl Russell had reached the point at which he was, as it were, thrust forward, and, ignoring Sir Roundell, seized the rams regardless of law. Sir Roundell, very naturally, did not care to enter into this; so, sliding over details, he advanced to the seizure, which he candidly admitted to be legally indefensible. "The Honorable Gentleman asks what right the Government had to detain the ships (Mr. Seymour Fitzgerald: Hear, hear!) The Honorable Gentleman cries 'hear'; but I do not hesitate to say boldly, and in the face of the country, that the Government, on their own responsibility, detained them."

On the merits of his case Sir Roundell had made fatal admissions, and Sir Hugh Cairns, who was a much stronger lawyer than Sir Roundell, impaled him without mercy on the dilemma he presented:

I find that Earl Russell on the 27th of March last, . . . said that he wished the United States Government to understand that he considered the case of the *Alabama* and the *Oreto* to be a scandal. . . . What did Earl Russell mean by saying that the case of the *Alabama* and the *Oreto* was a scandal? Did he mean that it was a scandal because, having laws to punish such a case, we did not enforce them? The Under Secretary of State shakes his head at this. Well, then, did Earl Russell mean that it was a scandal that we had no laws to punish such cases? He must have meant one of these two things. . . . Now, let us suppose that the noble Lord thought the case of the *Alabama* and the *Oreto* was a scandal because

that, having laws to punish, they were not put in force. Then . . . I want to know this . . . why did not the Government indict the persons who admitted openly that they had sent the *Alabama* out of the country? . . . If the noble Earl meant that it was a scandal because, having laws, those laws were not enforced, I want to know why the Government has not put them into force? . . .

Now let us take the other branch of the dilemma. Did the noble Earl mean that the case was a scandal, because we had not a better law to deal with the cases of the *Alabama* and the *Oreto?* Then, I ask, why have not the Government . . . proposed an alteration of the law? . . . Then, again, we have upon the very same day, a declaration from the noble Lord at the head of the Government. While the noble Earl was sending off his despatch to the Government of the United States, the noble Lord [Palmerston] said in this House, as to any alteration of our law: "I do hope and trust that the people and Government of the United States will believe that we are doing our best in every case to execute that law; but they must not imagine that any cry which may be raised will induce us to come down to this House with a proposal to alter the law. We have had — I have had — some experience of what any attempt of that sort may be expected to lead to, and I think there are several gentlemen sitting on this bench who would not be disposed, if I were so inclined myself, to concur in any such proposition." . . .

We are told that these words of the noble Earl [reproach and scandal] . . . were referred to elsewhere, and the noble Earl was asked to explain them. The noble Earl explained them in this way. He said in substance: "I adhere to the opinion, and my reason is this: How can you describe in any other words an act of Parliament as to which the chief of one of our courts of law has said, 'You might sail a fleet of ships through it'?" . . . Will the House believe it possible that the noble Earl could have fallen into the error I am going to expose? What that very eminent and learned person said was this:

"If I were to adopt the construction which the Crown desires to put upon the Foreign Enlistment Act, which I do not adopt, which I reprobate as false and erroneous, then, indeed, you might not drive a coach and six, but might sail a fleet of ships through the act of Parliament." . . .

We have had another confession from the Government to-night. . . . They send down an officer of the Admiralty to deal with the owners for the sale of their ships. I was quite amused at the manner in which the Attorney-General [Sir Roundell Palmer] dealt with this. He said, "Well, it was a very kind thing, a very humane thing."

. . . I want the Attorney-General to tell me what does he think of dealing with a man around whose neck the Government has got the fangs and talons of the revenue officers. . . . Was that fair dealing? Was that a seller and buyer . . . on an even footing? The Government with its hands upon the ships, . . . saying to the builder, "Come, now, sell us these ships; let us buy them of you." But what is the climax? The climax is this: The month of February comes at last. Parliament meets, and the information can no longer be delayed. It must be filed, and then we have the last letter from the Treasury to Messrs. Laird, which I hope the House will have printed for its perusal in the papers about to be produced. . . .

(*Immediate*) TREASURY CHAMBERS, February 8, 1864.

GENTLEMEN, — In reply to your letter of the 3rd instant, I am commanded . . . to acquaint you that . . . an information in the case of the iron-clads vessels built by you, and now under seizure by Her Majesty's Government, will be filed in a few days, and that it may be necessary to send a commission, abroad for the purpose of collecting evidence.

GEORGE A. HAMILTON.

Messrs. Laird Brothers.

Collecting evidence! The seizure, according to the Government could only be made upon evidence, and four months after the seizure the Government are going to collect evidence abroad. Sir, we have not got many papers from the Government this year, but I trust the House will insist upon the production of these.

Among the bitter speeches of that night, the bitterest was Lord Robert Cecil's, he who afterward became famous as the Marquis of Salisbury.

I should not address the House, said he, if I saw any inclination among the honourable gentlemen opposite to rise, but they will not, as in the refusal of information and the absence of discussion lie perhaps their only means of safety.

The Honourable and Learned Gentleman [Sir Roundell Palmer] spoke of the language of Mr. Adams as only slightly passing the bounds of moderation. Perhaps he might admit that Mr. Adams' own language warranted that description; but Mr. Adams was the representative of a foreign Government, and that Government had used language to which the designation . . . was scarcely applicable. What of Mr. Seward's despatch of the 11th of July? . . . Mr. Seward's language was as follows:

"Can it be an occasion for either surprise or complaint that, if this condition of things is to remain and receive the deliberate sanction

of the British Government, the navy of the United States will receive instructions to pursue these enemies into the ports which thus, in violation of the law of nations and the obligations of neutrality, become harbors for the pirates. The President very distinctly perceives the risks and hazards which a naval conflict thus maintained will bring to . . . the two countries. But . . . if, through the necessary employment of all our means of national defence, such a partial war shall become a general one between the two nations, the President thinks that the responsibility for that painful result will not fall upon the United States."

That was a distinct threat of war. . . . What he wanted to impress on the House was, that throughout these proceedings there had been a threat of war on the part of the United States. The Government had failed to obtain from courts of law and from British juries that application of the law which it desired, and consequently the only course that was open to it . . . was to procure the utmost possible delay. . . . They were threatened by the United States; they knew they were unable to obtain a decision in their favor in the courts of law; after the threats which had been made by the United States they did not dare to come to the House of Commons for an alteration of the law. What were they to do? The only course open to them was to lengthen out the proceedings to the greatest possible extent. . . . But that was not the most important part of the speech of the Honorable and Learned Gentleman. We had had a distinct avowal that the Government had broken the law. The Honorable and Learned Gentleman had acknowledged that, upon their own responsibility, without any authority from the law, they had ventured to stop vessels which had a legal right to leave the country. Now, it seemed to him that it would be an evil day in our history when it was recorded that the Government, under threats of war from a foreign power, . . . had broken through every right which the subject possessed, . . . had seized his property in violation of the law, and that then Parliament had taken no notice whatever of such an illegality. . . . Was there any other period of our history at which such an act would have been permitted? Was there any other period at which it would have been endured that the Government should violate the rights of the subject in deference to a foreign power, and yet that Parliament should take no notice of the matter? . . .

They had been accused of being the "most docile" House of Commons that ever existed, of "sneaking to their places," of allowing ministers to do what they pleased. They should really merit that charge . . . if they quietly received the threats of a foreign power,

if they permitted ministers to use all the delay and procrastination of the law for the purpose of crushing the subject, if they allowed Her Majesty's Government to break the law, and if they suffered them at the same time to avow that they did it on behalf of those who had addressed to them threats of war.

Every one of these charges made by the opposition against Lord Palmerston's administration was not only true, but was admitted to be true, and had they stood alone, they would have ruined any body of public men who had held office in England since the accession of William III. But they did not stand alone; the great question loomed behind, whether the opposition dared to take office on the issue of liberating the rams. That question was put by Mr. Forster, and it was answered in the negative.

Any honourable gentleman who was in the habit of watching the news which came from America would be aware that for months previous to the detention of these rams a fear was expressed in the North, and a hope in the South, that they would issue forth; and that being so, and the Government having reason to believe that the rams were intended for the Confederate Government, they took upon themselves the responsibility of detaining them. . . . Well, then, if the noble Lord or Honourable gentlemen opposite thought that the Government deserved a vote of censure for so doing, let them boldly propose such a vote, and say that they would not have done the same thing. . . . The noble Lord seemed to think lightly of a war with America; but that was not the feeling of the country, nor did he believe it could be the feeling of the opposition generally.

The certainty of war should the rams be allowed to sail — that was all the defence Earl Russell had to allege in answer to some of the gravest accusations which had been made against any minister of the Crown since the Revolution of 1688. In 1861 a series of questions had arisen touching to the quick the national honor and the national good faith. After mature reflection the Palmerston Cabinet, speaking through their official organ, Sir Roundell Palmer, then Solicitor-General, had, on March 27, 1863, expounded their view of the law to Parliament in these words: "The United States Government have no right to complain of the Act in question; the Foreign Enlistment Act is enforced in the way in which the English laws

are usually enforced against English subjects." Afterward the Government had tested the law and, according to Sir Roundell Palmer, the courts had held it to be lawful for English subjects to build and send abroad such vessels as the rams, provided they disguised their purpose to sell to a belligerent under certain transparent subterfuges. Eminent counsel had given the Lairds similar advice, acting on which the Lairds had built these rams, apparently lawfully, and when they were ready to sail the Government had seized them, without color of law, and had held them by military force, without a trial, and without even specifying grounds of complaint.

"I suppose," said Sir Hugh Cairns, "I am not going too far in saying that if any but a large and well-established house with great resources had been subjected to an occurrence of this kind, it must have occasioned its ruin." And the seizure had not been made with the honest purpose of bringing those ships to trial, that was implicitly admitted, but with the purpose of forcing the owners into selling their property because they could not hold it until their title could be determined by a court. "Surely," said Sir Hugh, "in a case of this sort, . . . where the property was of the value of nearly a quarter of a million of money, . . . surely it was the duty of the Government, . . . to use promptitude and despatch to bring the case to trial. Well, now, will the House believe it, that from the 9th day of October until the 8th day of February, which is exactly four months, not a single step was taken, no information was filed in the Exchequer; and I do not think I am going too far when I say that if this House had not assembled a very few days before that time [February 4], the information would not have been filed to this day?"

Upon such premises it was impossible to refute Sir Hugh's conclusion. "The seizure of these vessels, . . . raises constitutional questions of as great importance — I say so deliberately — as were ever brought before this House. I speak with full consciousness of the gravity of the expressions I use, when I charge the Government — let there be no mistake — I charge the Government with having done, and after hearing the Attorney-General to-night, I say having done, on their own confession, what was illegal and unconstitutional, without law, without justification, and without excuse."

Thomas Baring was the most eminent of the Conservatives who voted against their party. Probably there were not half a dozen men on that side of the House who exceeded him in influence. Born in 1799, he had sat in Parliament since 1835, continuously, except between the years 1837 and 1844. He had been offered the Chancellorship of the Exchequer in Lord Derby's administrations of 1852 and 1858, and was beside not only the head of one of the first banking houses in the world, but was one of the most prominent men socially in London. He, for all intents and purposes, closed the debate in these words: "This I would say in conclusion, that if the speeches of my Right Honorable friend and the Honorable and learned member for Belfast [Sir Hugh Cairns] are to be taken as furnishing the grounds on which we are to divide tonight, they seem to me to have arrived, by simply moving for these papers, at a most lame and impotent conclusion. Why do not they at once move a vote of censure on the Government, or on the Law Officers of the Crown for the course which they have pursued? For my own part, I offer to the noble Lord, the Foreign Secretary, and to those Gentlemen by whom he is advised in those matters, although I think they are open to grave censure for not having prevented the departure of the *Alabama*, my thanks for their conduct on this occasion." With that speech the motion died. As Mr. Adams said, Thomas Baring had demolished Lord Derby's "castle of cards."

I doubt if an issue involving the stability of their class has ever been presented more lucidly to an aristocracy within a legislative chamber where they controlled, and if, on such an issue coming to a vote, an aristocracy ever before so quietly and so, apparently, voluntarily abdicated. Sometimes there has been an appeal, as, in the case of the Reform Bill, to an election, but more frequently to arms.

When the American Civil War broke out in 1861, the British aristocracy decided to sever the American Union to strengthen themselves. As the conflict deepened, they perceived that to sever the Union the blockade of the South by the North must be raised. Not daring to raise the blockade with the British navy, because of fear of British democracy, the aristocracy undertook to build and deliver a navy to the South. They built the ships, but, when it came to delivering them, they

flinched before the North, even though to effect a delivery they had prostituted their judges and degraded their courts.

Then the minister who flinched turned upon the subject who was only exercising his rights, as those rights had been defined by the judges to whom the aristocracy had appealed, and took from him his property by military force. The aristocracy had to determine whether they would remove that minister who had betrayed them, and substitute another to carry out their policy to the end, or whether they would capitulate. They voted by a majority of twenty-five to capitulate, and the majority was not partisan.

I take my father to have been the profoundest observer of British society of any foreigner of his time, and from the 4th of February, when he had heard Lord Derby question Lord Russell on the opening night of the session, he had anticipated some such result. Lord Derby, in his opinion, did not rise to the level of the emergency. He was not eager to fight the issue to the end. On February 25 Mr. Adams wrote to tell Mr. Seward, that the opposition had gathered courage enough to worry the Government on its foreign policy, but that it was not ready to take office and reverse it. "It does not appear that they are prepared with any different measures. The struggle looks more like a trial of strength in view of future operations. On this issue the division is not strictly a party one. The majority is greater than the strength of the ministry could command."[1]

And yet the balance hung so even that it seemed that a hair might incline it to either side. The danger was weakness; that war might result from the impotence of the power which temporarily held it in check. Six weeks later Mr. Adams wrote again: I "earnestly hope that our efforts" in the field "may be crowned with success, otherwise it is much to be apprehended that the causes of offence may be accumulated to such an extent on this side as to render escape from a conflict almost impossible. Nothing will keep down the malevolent spirit that pervades the higher classes, but the conviction that there is no hope left of effecting a permanent disruption of the United States."[2]

[1] *Adams to Seward*, February 25, 1864.
[2] *Adams to Seward*, April 4, 1864.

Probably he was right in this forecast, as he usually was right in his forecasts when in England. Lord Palmerston's Government could not have held the rams much longer without trial, and to try them would have involved great risk. Ministers were, even when Mr. Adams wrote, casting about for some means of controlling Pollock, but the chances were not promising that such an Attorney-General as Sir Roundell would succeed in coercing the Chief Baron, especially when sitting with a Liverpool jury. With a verdict against the Crown, the danger would have been acute. The knot was cut, as Mr. Adams thought that it must ultimately be cut, by the collapse of the South. The blockade had done its work. The Confederacy was already financially exhausted, and when Grant and Sherman were beginning their last advance nothing could be spared from home defence for the purpose of sustaining what had become speculative investments abroad. As early as February 14, 1864, the Lairds showed signs of distress. Through Bravay they intimated a willingness to sell for £300,000. This was an attempt to extort money from the Ministry, before the debate. After the debate the price of the rams rapidly fell, and on May 26, 1864, they were finally bought by the Admiralty for £195,000 down and £25,000 more contingent upon their satisfactory completion.

Looked at from the standpoint of American history, purely, the debate in the House of Commons, on February 23, 1864, and the division which closed the debate, are memorable, but they have beside a larger significance. After Waterloo England became the heart of modern civilization, the centre of the world's economic system, and as such she wielded, until February, 1864, a supremacy which was, in substance, unquestioned. On that night she abdicated, and her supremacy has never returned. That act, which indicated a change in the economic and military equilibrium of mankind at large, indicated a still profounder change in the social status at home. The action of the House marked the rise of new social forces, the advent of a new ruling class. The next step was broader enfranchisement, and the formation of a radical Cabinet with Mr. Gladstone at its head. The type of English aristocrat represented by Lord Palmerston had been discarded.

Whatever may have been the failings of this elder type of

man it had never been backward in fight, and if England had won supremacy she had paid for it with her blood. The proof that the species was decaying is that the United States succeeded in swaying England by an apparent readiness for war, when she had, in fact, little or no physical force at command. Nor did this failure of English martial energy manifest itself in relation to America alone.

As on the western continent a consolidated democratic republic appeared to be rising on the ruin of a slave-holding oligarchy, so in central Europe the fragments of Germany showed signs of cohering in what promised to be a threatening military empire. In February, 1864, the Prussians and Austrians began to dismember Denmark by occupying Schleswig. In the dismemberment of Denmark, England had a substantial interest, for the absorption of the duchies would give to Prussia not only a deep-water harbor on the Baltic but the possession of a canal route to the North Sea. This would make it possible for Prussia to become a considerable maritime power; and yet Great Britain's stake in the centralization of Germany was trivial compared to her stake in the American Civil War.

From the outset all Englishmen intuitively perceived that the social equilibrium of English society must be determined by the victory of freedom or of slavery in the West. Power in England hinged on the restriction or the extension of the suffrage. Hitherto, speaking broadly, the landed gentry had predominated, but, if the franchise were to be extended widely, none could tell whither power might migrate. Certainly it would not remain with those who then enjoyed it. Therefore the aristocracy and the proletariat took sides passionately, the aristocracy assuming that if the South should prevail the enfranchisement of the proletariat might be indefinitely postponed, the proletariat accepting it as an axiom that their fortunes were bound up with the fortunes of the North. On February 23, 1864, the aristocracy admitted defeat and formally recorded their surrender. And so rapid had been the progress of their decay that they surrendered to an ultimatum which two years before would certainly have provoked only defiance. They surrendered because their ally, the South, had collapsed. During the American conflict the vitality of the English aristocracy had run to its lees, so that when the Danish difficulty began other social

forces predominated; but of this profound movement Lord Palmerston and Lord Russell were only very imperfectly conscious. Mr. Gladstone, on the contrary, had received a powerful stimulant from his experiment at Newcastle. As Lord Palmerston remained reactionary, favoring war and opposing the extension of the suffrage, so, conversely, Mr. Gladstone, as soon as an opportunity offered after the surrender of February 23, 1864, plunged into the gulf on whose brink he had been shivering. On May 11, 1864, he unexpectedly propounded the dogma, in the House of Commons, that every male British subject, of full age, and under no "personal unfitness, had a moral right" to vote. Gladstone pretended to be surprised at the sensation which followed, and ascribed it to a change in his "hearers and in the public mind"; but Lord Morley has likened his words to a "thunderbolt." At all events they agitated the gentry; and Lord Palmerston, who incarnated the spirit of the gentry, wrote to Gladstone that he had offended "all persons who value the maintenance of our institutions."

This speech on the suffrage marked the dividing line between Gladstone the conservative and high churchman, who had represented the University of Oxford, and Gladstone the radical and latitudinarian, who disestablished the Irish Church, advocated "home rule" and who sat for Midlothian. In the first encounter after his conversion, Mr. Gladstone completely routed Lord Palmerston. Almost while Mr. Gladstone was declaring himself a radical in the House, Lord Palmerston, without consulting his colleagues, told Count Apponyi, the Austrian minister, that, should Austria send a fleet to the Baltic, he would order a stronger one thither from England, or resign his office. Very possibly Lord Palmerston may have meant what he said when he threatened to resign, but he loved office too well to make his threat good, when put to the test. When Lord Palmerston presented his proposition to his cabinet, he found Mr. Gladstone in full control. Mr. Gladstone, as a radical, would listen to no suggestion of war, nor, as he said himself, would he "recognize in any way the title of the Prime Minister to bind us" to a policy. Lord Morley has described what occurred at the meeting.

> Palmerston and Russell were for war, even though it would be war single-handed. . . . They bemoaned to one another the ti-

midity of their colleagues, and half-mournfully contrasted the convenient ciphers that filled the Cabinets of Pitt and Peel, with the number of able men with independent opinions in their own administration. The Prime Minister, as I have heard from one who was present, held his head down while the talk proceeded, and then at last looking up said in a neutral voice, "I think the Cabinet is against war." [1]

Lord Palmerston saw clearly where all this tended. One day he said to Lord Shaftesbury, "Gladstone will soon have it all his own way; and, whenever he gets my place, we shall have strange doings." Lord Palmerston tried to make Gladstone's seat for the University of Oxford secure, because "he is a dangerous man; keep him in Oxford and he is partially muzzled; but send him elsewhere, and he will run wild." [2]

On June 27, 1865, Lord Russell admitted in the House of Lords that his negotiations had broken down and that Denmark must be abandoned. This avowal was followed by an explosion of shame and indignation at the pusillanimous conduct of England who, having encouraged Denmark to resist, deserted her at the approach of danger. Motions of censure were made in both Houses. That in the Lords was carried by nine votes. In the Commons the debate fell on July 5, and Mr. Adams, who attended the debate, has noted in his diary that Mr. Cobden told him how Lord Palmerston had favored sending the fleet to the last, and had only given way when assured by Mr. Brand, the whipper in, that, on sounding the party, he had found so many members to be convinced that their constituents would not support war, that Palmerston would be badly beaten on a division if he persevered. Although not a voice was raised in defence of Earl Russell, this retreat saved the Ministry for another year, but only because Lord Derby and the Tories were too feeble and too timid to assume responsibility. Therefore Lord Russell continued at the Foreign Office, and he so embroiled Great Britain with the United States, on the issue of the settlement of the *Alabama Claims*, that he nearly succeeded in making arbitration impossible.

The inevitable result followed. On July 6, 1865, Parliament was dissolved, and Mr. Gladstone, who had represented the

[1] Morley, *Life of Gladstone*, II. 117, 118.
[2] Hodder, *Life and Work of the Earl of Shaftesbury*, III. 187, 188.

University of Oxford for eighteen years, was defeated. He found another seat in Lancashire, near his new friends, Bright and Forster. As he told his future constituents, he came among them "unmuzzled"; and perhaps for that reason he was so suspected even there that he stood third on the poll, with two Tories above him. The country returned a House of Commons with a majority of eighty, nominally pledged to support Lord Palmerston, but Lord Palmerston died in October, and even had he lived, he could not have stayed the democratic tide which surged onward after Appomattox. Obeying that mysterious impulsion which often, in moments of emergency, guides a cabinet more truly than it guides a popular assembly, Lord Russell and Mr. Gladstone brought in a moderate Reform Bill, but they were opposed and finally beaten by the gentry, among their party, of the stripe of Lord Palmerston. Plainly, the existing constituencies no longer reflected the energy of the nation. Mr. Robert Lowe, who had held office under Lord Palmerston, led the Whig opposition to reform, and between him and Mr. Gladstone the contest waxed hot. One day Lowe asked a question putting the issue with a bluntness which, though successful in the House, roused resentment among the disfranchised. "If," said he, "you wanted venality, ignorance, drunkenness — if you wanted impulsive, unreflecting, violent people — where do you look for them? Do you go to the top or to the bottom?" Gladstone retorted that there were those who, when they computed an addition to the electorate, regarded it as they might an invading army, but these prospective voters "are our own fellow subjects, . . . our own flesh and blood," men "who have been lauded to the skies for their good conduct." So Gladstone became the popular hero, overtopping even Bright. A few weeks after, during the Reform riots, the mob flocked to his house, shouting for Gladstone and liberty, and the police had to beg Mrs. Gladstone, who happened to be alone, to show herself on the balcony in order to induce the multitude to disperse. At last Mr. Gladstone had fairly hit his mark, and yet Mr. Gladstone with all his popularity could not move an unintimidated Palmerstonian House of Commons. Mr. Robert Lowe, who should have followed him, beat him at every point. According to Mr. Gladstone, Mr. Lowe "supplied the whole brains of the opposition," and "had such a command of the House as

had never in my recollection been surpassed." Finally, on June 26, Lord Russell's Ministry resigned, Lord Derby and the Tories succeeded, and Mr. Lowe, as Lord Morley has said, "believed for the moment that he had really slain the horrid Demogorgon."[1] His exultation was short-lived. When it appeared that Parliament was opposed to enfranchisement, agitation began. On July 22, 1866, the radicals called a meeting in Hyde Park. The Government forbade the meeting, and sent what police they could muster to hold the gates. A vast multitude assembled, threw down the railings, and swept the police aside. No attempt was made to clear the Park, nor, probably, could the Park have been cleared by any military force the Government had at hand. Mr. Adams walked to the Park next day, and was deeply impressed. The grass was brown as if by fire, "and the crowd looking on and enjoying the spectacle were certainly not of the class which ordinarily frequents the region. It was the first growl of reform. The rising for a moment to the surface of that fearful beast which ordinarily lies hidden far down at the bottom. The remarkable part of the spectacle was the order and quiet generally preserved." One growl was enough. Liberals and Conservatives combined to give all that was asked and more, and then, while Mr. Disraeli nominally led the House, Mr. Gladstone and Mr. Bright from the opposition benches dictated to him how he should frame his statute. The aristocracy were thoroughly cowed. Lord Morley has told the story of that session:

> The process effecting this wide extension of political power to immense classes hitherto without it, was in every way extraordinary. The great reform was carried by a Parliament elected to support Lord Palmerston, and Lord Palmerston detested reform. It was carried by a Government in a decided minority. It was carried by a minister [Disraeli] and by a leader of opposition [Gladstone], neither of whom was at the time in the full confidence of his party. Finally it was carried by a House of Commons that the year before had, in effect, rejected a measure for the admission of only 400,000 new voters, while the measure to which it now assented added almost a million voters to the electorate.[2]

So far as it goes, Lord Morley's account of this Parliament is admirable and yet he has omitted what is, to Americans, the

[1] Morley, *Life of Gladstone*, II. 205. [2] *Ib.* II. 226.

most interesting phenomenon of all. He has not pointed out, what nevertheless is true, that the proletariat won enfranchisement when their pressure combined with the pressure of the United States prevented the censure of Lord Russell, by the House of Commons, for the seizure of the Laird Rams. These are the facts, as I understand them, which, when arranged in due relation to each other, elucidate the scope of the work that Mr. Adams did during the first period of his public service abroad. I have now only to sum up concisely the conclusions which I conceive follow from these premises.

For just one hundred years prior to the election of Abraham Lincoln to the presidency, the aristocratic principle in England had been striving to subdue the democratic principle in America, and to that end had fought two wars from which democracy had escaped, as it were, by a miracle. In large part democracy in America had been saved by means of a union with a slave-holding oligarchy, a union which would have been impossible under pressure less severe. Suddenly the bond, designed to fuse these discordant elements in a single organism, burst asunder and, in 1861, the North found herself hemmed in between the slave-holding and the British aristocracies, which were natural allies. To conquer the South, were the South unaided by England, strained the North to the limit of endurance. She gradually massed eight hundred thousand fighting men on the Southern fields of battle, but when she had done this she left herself without fleet or army to resist a foreign foe. Therefore she had to confide the defence of her Atlantic coast, facing England, to her diplomats, for other defenders she had none. The problem presented to these men was intellectual and not dynamical. It was the restraint of England by an idea, for if Great Britain should once join the South, nothing could save the North from overthrow.

Desperate as the situation seemed at first to the two statesmen, who were in charge in Washington and London, they presently perceived one path to safety. They might be able to bring the disfranchised and discontented classes of Great Britain to support the North in such wise as to paralyze Lord Palmerston's Government, provided their adversary could find no such occasion against them as would incense the whole British people. Indeed the English aristocracy somewhat

resembled an angry snake, relatively harmless until coiled, but deadly if permitted to gather itself. With infinite patience, skill and courage, Mr. Seward and Mr. Adams addressed themselves to their task, changing their tactics to meet the varying stratagems of their adversary as he saw his feints successively foiled, but always pressing him as strongly as they dared. Thus they passed from the passive flexibility by which they eluded the peril of the *Trent*, to the stern but measured onset by which they forced the seizure of the rams. Finally the aristocracy, unable to consolidate its forces, capitulated. The vote of the Commons on February 23, 1864, marks an epoch in civilization.

As in my age I meditate upon the scenes I saw in my youth, as I ponder upon the disparity between the bleeding North and the exultant England of my boyhood, as I recall the ferocity of the passions which once seethed about me and consider the magnitude of the interests which were then at stake, and as in the midst of these memories I pause to reflect that during those harassing years a single moment of weakness, a single error of judgment, must have precipitated the fatal catastrophe, I realize at last that I shall search the records of modern diplomacy in vain for such another masterpiece.

Mr. Winslow Warren read a portion of a letter from Samuel Alleyne Otis to James Warren. The letter is as follows:

New York, April 26th [or 24th], 1788.

Dear Sir, — Your favor 23d March have before me, and attributing your silence to the pressure of public business, without suspecting a want of attention from you, anticipated your apology. Last evening recd. also yours 13th Instant; and to both shall make the necessary reply. Elections were under the first article. Upon which did I not recollect some striking instances of their precarious nature I should feel a greater dissappointment. By what I can learn there does not appear to be a choice of L. Govr. by the people; of course the same ground is to be traversed in General Court. Mr. H. carries all before him, and altho I supposed he would be elected, I had great expectation, from what you observed, that his competitor would have stood higher. The sale to Messrs. Gorham & Phelps is estimated by some of my friends as an advantageous one. I confess, if they are so obligated as to make the payments sure and punctual, it appears to be a good sale; under all circumstances. There is a glutt of Land at Market of which the U. S. A. hold *two*

*hundred million acres*. I am obliged for your attention to my particular finances. As to adjourning farther South, it will not probably take place under the present Confederation. What a new Year may effect, or the New System *you have so much at heart* may produce, depends upon various contingencies.

In regard to the accumulated and increasing debt of the Union, some people give broad hints that it will be paid with a sponge; which I think under our present weak and *resourceless* circumstances, will be a natural Consequence. Under a new energetic Government, I hear some politicians say, our inability is an insuperable bar to payment. The same men say resources might be pointed to of importance sufficient to pay an interest of 3 per Ct: And I am of opinion could the debt be funded at 3 per Ct. the holders of securities left at their option to reloan at three, or take their chance of unfunded securities at six, the bulk of the debt would be reloaned. To this it may be said the cry of injustice will be sett up; as it would indubitably at a sponge. Upon which I reply, in the first place, *that*, upon the whole, which will effect most extensive justice, to the greatest number of individuals, must be done. In the second place whats done by consent takes away error. And lastly, if it shall appear impracticable to effect more than three per Cent, will not necessity, which is paramount to all law, justify the measure? You will reply let this necessity be made apparent prior to such proceeding; in which I am perfectly agreed. Before I go from the subject, I am induced to think that under our present impoverished circumstances, could any measures be devised to fund our debt, and make sacred appropriations for the interest at even less than three per Ct. it would reanimate a dead mass of useless paper, and instantly make it an efficient Capital, for the farmer, the merchant, the manufacturer, and every man in the Community.

Whether "regeneration" is necessary to induce N. England, my honored Country, to adopt the New System or not, you who are in one of its largest States can form the best judgment. But am confident without that miraculous change, they will find the necessity of *that*, or one very like it. For as to the old wheel it wont budge an inch, and seems shattered to pieces. That some of the old spokes, and perhaps felloes, may do again I have no doubt, but that the nave must be taken out, and the whole worked over again appears to me indispensible. I do not form my judgment altogether upon what information I get from Boston, but compare it with that from my friends at Milton, and other parts of the state. Puting all which together, the result seems to be that, N. Hampshire are divided, and so is R. I. The majority of *one*, I am convinced are against

federal measures, and possibly of *both*. As to N. Y. one party are sure of adoption, another as positive it will be rejected. So no judgment can be formed. Some think Govr. Clinton will be elected for the City, which I doubt. He will come in however by a handsome majority for Ulster County. Maryland by a very large majority will accede; so will So. Carolina. N. Carolina will probably operate as Virginia, which State I think will be nearly divided; But I rather think from the best information attainable, the majority will carry it for adopting, with amendments, upon the plan of Massachusetts. I have heard in the Circles here, you, or sister W. have written the Columbian patriot. I suspect you, but wish to have it ascertained; for the purposes only of curiosity believe me.

To your demand, to know what we are doing in Congress, I answer — Nothing. To your enquiry what have we done? I answer — almost nothing — yet I dont know that those who have attended, which Massachusetts have incessantly, are to be blamed. The States have been in such a flutter about the New, that they have hardly paid attention to the old Government. One week we have nine States, then again we have only four or five; for to my surprise the Members are under no kind of control, and take themselves away whenever they think proper. The State of N. York particularly altho there are sometimes two or three members in Town, have for weeks together, had only a single member present. What is to be done? Massachusetts, and I presume others have written to their Legislatures upon the subject. Is more in their power? Most of the members are either of the Convention, or just before election dance down to the Hustings, and whether they are successful candidates or not, their attendance upon Congress is withdrawn. We have a prospect however of a full House in May, when we shall soon finish the more important business, and if the States agree, follow our instructions in organizing the new Government, and *secede*. The doing *it* before is courting encroachment, and leaving the people to the mercy of any rude invader, — and I am not ready for despotism. Your refusal to christen "Parson's bantling," and "an Eccho to the Speech," shews a formidable combination is effected against the doings of convention. By the way, the Govr. was offended at Thacher and self for addressing the Legislature, other ways than thro him, which we did upon the supposition it was usually done while they were in sessions; However he refused, and gave *this* as a reason for not signing the resolve, empowering the delegates to procure a plan of the Line. I am perswaded heretofore communications have been thus made.

I informed Mr. Walker your ballance was ready, and upon its

appearing that the money received is identified, he says no objection can be made to receiving it. Farther I have requested him to give me on paper the objections, informalities etc, which require answer and remedy, and I will communicate them; which he assures me shall be done without delay. I will very chearfully attend the settlement and if in my power effect it. The other matter is still at the Tresury Board, Mr. Osgood informs me, that he hourly expects the returns from the commissioners, and if it shall appear that the U. S. A. have not paid the difference between 40 and 75 they will allow *it*. As for the recovery of your depreciation I see no great prospect of it. Congress have refered this business to the Tresury board before I came on; The Tresury Board have given an opinion in many instances *against* admiting new demands for depreciation, and in yours amongst the rest, and to me have repeated it as an impracticability. So that I confess I know not how to get forward in the business. I will again converse [with] the board and effect everything in my power.

You will oblige Lebaron & Hamatt to forward me their Charter party of Schooner Dispatch, having requested me to close the account for them. Upon application to the office where the Navy Board papers were lodged; I am informed no Charter parties were forwarded, which I wonder at.

Love to Sister and the family from

Yours very affectionately,

Sam. A. Otis.

Mr. Walker says the ballance is £68263. 18.3 agreeably to corrected Cash book, by the Vouchers. They are so very minute and scrupulous, I see no chance of a speedy settlement unless Mr. Henderson would come on. But I suppose in that case they would allow nothing for expences.

I will forward Mr. Walker's objections however under his own hand.

Upon perusal of the papers I am fully perswaded the ribaldry flung at you by your enemies will tend more to make you friends than anything else, and if their spleen had not blinded them they would see the natural consequence.

John Sullivan was one of the Sargents who led the mutiny and assaulted Congress in Philadelphia; afterwards fled for misdemeanors into the Western world. Tis supposed he was concerned in mordering some Spanyards and is a very dangerous desperate character. Harmar has an order to take him as a dangerous enimy to the U. S. A.

Mr. WINSLOW WARREN also presented to the Society the coats of arms of the Paddy and Wensley families, which had been in the possession of Edward Winslow, of Plymouth, a brother of General John Winslow, the loyalist, who removed to Nova Scotia and died there in 1784. A daughter, Elizabeth, of William Paddy, who had come to New Plymouth in 1635, married John Wensley; and their daughter Sarah Wensley married Isaac Winslow, a grandson of Governor Edward Winslow. Penelope Winslow, daughter of Isaac and Sarah Winslow, became the wife of James Warren, of Plymouth, and the mother of General James Warren of the War of Independence.

Remarks were made by Professor HART.

# MEMOIR

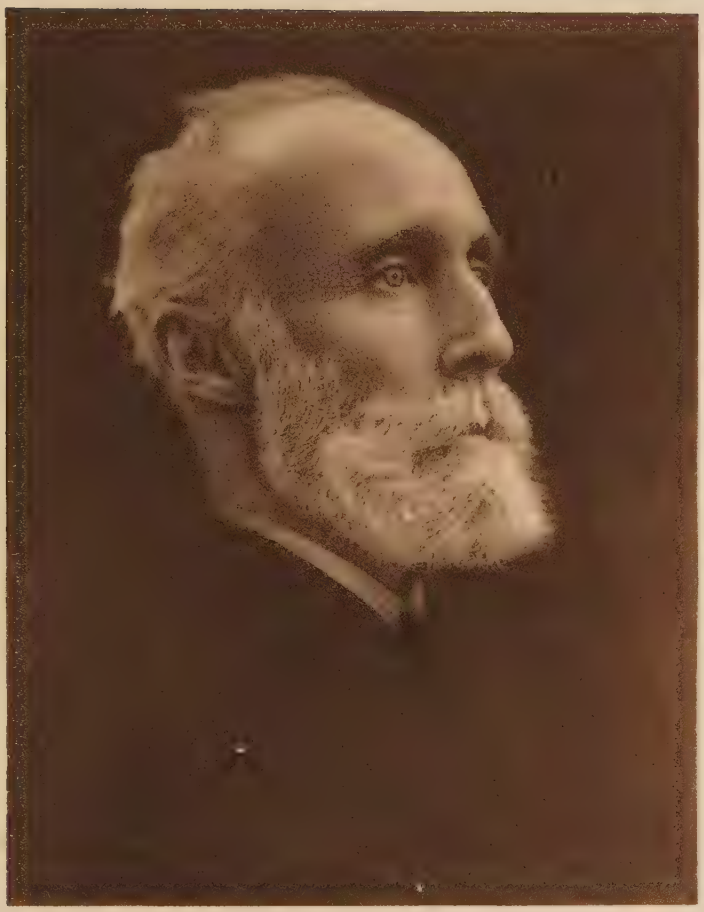
OF

# JOSIAH PHILLIPS QUINCY.

BY M. A. DE WOLFE HOWE.

JOSIAH PHILLIPS QUINCY had an instinctive shrinking from personal notice so strong that, as the Proceedings of this Society have shown, he earnestly desired the omission from its records of any memorial of his life and work. In deference to this wish the President refrained from calling upon any one for the customary "tribute." He felt, however, that the obligation upon the Society to preserve its records unbroken should supersede the preference of one of its members. In preparing this memoir it has seemed to me that Mr. Quincy's wishes may fairly be met half-way through holding the record within limits as narrow as the circumstances will permit.

The annals of the family to which he belonged are so fully set forth in the publications and collections of the Society that it would be superfluous to repeat them here. It is enough to say that, in the seventh generation of descent from Edmund and Judith Quincy, who brought the name to New England in 1633, he was a grandson of Josiah Quincy, President of Harvard, and eldest son of Josiah and Mary Jane (Miller) Quincy. He was born in Boston, November 28, 1829. His grandfather, having completed the five years in which he made his enduring record as the "great mayor" of Boston, had just entered upon his duties as President of Harvard. Among these duties he gave so high a place to attending the chapel services that on the Sunday set for the baptism of the grandson who was to receive his name, he reluctantly remained in Cambridge, fearing that a deviation from his rules might lead hereafter — as he wrote in a letter to his son — "to a doubt in my own mind whether I had not sacrificed a *duty* to a *feeling*." He contented himself with sending his wishes that the child might live to be a blessing, not only to his parents, but "to his country and race."



Josiah Phillips Quincy

INSTITUTE OF HISTORICAL RESEARCH

The letter of the grandfather throws a certain light upon the standards of conduct and purpose with which the child was to be surrounded. The service of "country and race" brought his father, while the son was still in college, to the mayoralty of Boston, a post which his own son in turn occupied fifty years later. Any one who has dealt with historical matters in Boston knows how hard it is, in imparting his knowledge to others, to draw a clear distinction between the Josiah Quincys who have successively taken conspicuous places in the local scene. Such a student may well be grateful to the subject of this memoir for asserting in early manhood his right to a name distinctively his own, and adding to the unadorned "Josiah" with which his life began the name of Phillips inherited from his great-grandmother, the wife of "the patriot," Josiah Quincy, Jr.

Of his early boyhood, long before this outward establishment of identity was considered, there are traces indicating clearly enough the presence of a marked individuality. In Emerson's Journal for 1836 will be found this entry: "Little Josiah Quincy, now six years, six months old, is a child having something wonderful and divine in him. He is a youthful prophet." Emerson had just seen the boy while, for a brief period, he was attending the strange school for children which Amos Bronson Alcott had established at the top of the Masonic Building on the corner of Tremont Street and Temple Place. The conversations between Alcott and his pupils are somewhat fully recorded, and "little Josiah Quincy" appears indeed as the "youthful prophet" described by Emerson. "Mr. Alcott," he declared in what purports to be a literal transcript of his words, "we think too much about Clay. We should think of Spirit. . . . If we should go out into the street and find a box, an old dusty box, and should put into it some very fine pearls, and bye and bye the box should grow old and break, why, we should not even think about the box; but if the pearls were safe, we should think of them and nothing else. So it is with the Soul and Body. I cannot see why people mourn for bodies." The conversations were unlike those which Alcott subsequently conducted in that they were far from monologues by him. Of all the young dialecticians he was training up, the young Josiah, notable for "fine choice of language and steadiness of mind," seems to have been among the most loquacious and extraor-

dinary. But the Alcott school bore a far less important part in preparing the boy for college than the Boston Latin School and the Academy of Stephen M. Weld. From these institutions he passed to Harvard College, graduating in 1850 and receiving his Master's degree three years later.

Immediately upon his graduation Mr. Quincy spent some months in Europe. In Paris he saw the *coup d'état* of Napoleon III in December of 1850, and the bloodshed which ensued — scenes which he recalled effectively for a popular lecture in the following decade. On his return to Boston he studied law for six months in the Harvard Law School and then in the office of Charles G. Loring. Admitted to the bar, he occupied himself for a time with his profession, especially in its relation to real estate. But, neither under the necessity of bread-winning nor ambitious to make a fortune of his own, somewhat delicate in health — the life-long victim of "hay fever" to an extent which for a long period made him an annual fugitive from vegetation — and, most of all, really concerned with the things of mind and spirit rather than with those of the market-place, it is no wonder that his active participation in business matters was short-lived. A story, "Betrothal by Proxy," which he contributed to the *Atlantic* in April of 1863, contains a passage of some autobiographic significance: "What in the world — or rather, what in the United States — is a man to do who accumulates sufficient property to relieve him from the necessities of active business? The answers offered to this inquiry of the Democratic sphinx are, as we all know, various enough. Some men, of ready assurance and fluent speech, go into politics; some doze in libraries; some get up trotting-matches and yacht races; while others dodge the difficulty altogether by going to disport themselves among the arts and letters of a foreign land." Outdoor sports or life abroad would have been impossible for Mr. Quincy. Dozing in libraries was no pursuit for so eager and catholic a reader. "Ready assurance and fluent speech" were not included in his equipment. If they had been, there can be little doubt that political life would have made a strong appeal to him, for questions of legislation and government always held a high place among his intellectual interests. It was natural that he should turn early to the far-reaching pursuit of letters and thought which might lead him where they would.

The first expression of his devotion to literature was a dramatic poem, *Lyteria*. It was recognized at once as belonging to the same class as Talfourd's *Ion*, to which President Felton, commending the book in the *North American Review*, likened it, admitting no unfavorable comparison between the work of his young countryman and that of Talfourd. *Lyteria* appeared in 1854, anonymously, though the authorship, acknowledged in the second edition, seems to have been an open secret from the beginning. When *Charicles*, another tragedy of ancient Rome, appeared in 1856, it was signed "By the Author of *Lyteria*"; but the copyright stood clearly in the name of "J. P. Quincy." Both poems were warmly welcomed by the contemporary critics — including Bryant, Richard Grant White and William Gilmore Simms. The plays belonged distinctively to the period in which they were written, and in thought, sentiment and form were so admirably representative of their period that the enthusiasm with which they were received is easy to understand. Only Willis — more of a journalist than most of his contemporaries in literature — exclaimed when *Charicles* appeared: "Why will not Mr. Quincy (the author) unlade his Pegasus of this war-horse caparison, and harness him in a light trotting wagon of the time, to run the true race that is open to him?" To this question Mr. Quincy's answer — like that of many young men who try their hand at verse before settling down to prose — was to unharness his Pegasus completely, and to exercise him thereafter almost entirely in private. The single excursion into publicity came in 1867 at the annual meeting of the Phi Beta Kappa Society at Harvard. This was the year when Emerson delivered his second Phi Beta Kappa oration. Mr. Quincy was the poet of the day, but the poem is not to be found among his papers, in the archives of the Society at Cambridge, or in the Boston newspapers of the time. The *Transcript* for July 19, 1867, remarked upon it in the following sentences, which, in lieu of the poem itself, may well be preserved: "The poem, by Josiah P. Quincy, was a fine production and finely delivered. It had its full share of the telling wit and felicitous allusions which all good anniversary poems ought to have, and at the same time it had the substance of noble thought and elevated sentiment, which such poems do not always exhibit. The description of the two temptations of the preacher who

proposes to himself an ideal aim, was singularly keen, animated and true — a piece of psychology dramatized." Indeed the dramatizing of psychology was a characteristic element in the two volumes by which Mr. Quincy's poetic achievement must be measured. Elevation and felicity were equally characteristic of it; but perhaps its failure to take the permanent place to which at first it seemed destined was due to the tendency towards dramatizing psychology rather than life.

On December 23, 1858, Mr. Quincy was married to Miss Helen Fanny Huntington (1831–1903), eldest daughter of Judge Charles Phelps Huntington of Northampton, and his wife, Helen Mills, a daughter of Senator Mills of Massachusetts. At about the time of his marriage Mr. Quincy established himself in Quincy near the houses of his father and grandfather, and, moving later to his father's house, made Quincy his home for the greater part of thirty-five years. Through the earlier years of this period he took charge of the considerable farming operations on the family place; but reading and writing remained his paramount pursuits, both in Quincy and throughout the later years, approximately twenty, when Boston was his winter residence. In each place a domestic life of rare happiness, due in large measure to the constant companionship of a wife possessing singular vigor and devotion of character, was his perpetual blessing. Of the five children born of this marriage, the eldest was the Hon. Josiah Quincy, Mayor of Boston from 1895 to 1899.

The range of Mr. Quincy's reading was extraordinarily comprehensive. His zest was equally keen for "mere literature," for biography, for science, for sociology and government, and for speculative inquiries of every kind. The phenomena of spiritualism and, later, of psychical research interested him intensely. The boy of seven who pleaded for less of Clay and more of Spirit was truly the father of the man. A student — one may say an intimate — of Shakespeare to a degree which enabled him to recite entire plays without prompting, he gave a searching attention to every book presenting argument or theory in favor of the Baconian claim to authorship. Neither in psychical nor in literary speculations, however, was he wont to drift far and long enough from accepted moorings to become a complete convert to unproved novelties. The speculative rather than the partisan element in a discussion

was what enlisted his interest. "There is a certain waywardness in my disposition," a character in one of his short stories declared, "which loves to punctuate an inflated conventionality, even when I myself am most conventional." Thus the writer of the story, through incessant excursions into many fields of thought, maintained the steadiness of temper which belongs to the man whose vision cannot be narrowed to a single aspect of the object he is regarding.

If the range of Mr. Quincy's reading was wide, so too was that of his writing. The poetical undertakings have already been mentioned. For many years after the publication of the two books, Mr. Quincy was a diligent writer of short stories for *Putnam's* and other extinct periodicals, and for *The Atlantic Monthly*. The stories in general had a background related less to the emotional substance of which fiction is commonly made than to interests primarily intellectual. There was a whimsical quality in the characterization and the dialogue which gave the stories a highly individual flavor. All these elements entered into Mr. Quincy's most ambitious piece of fiction, "The Peckster Professorship," which first appeared serially in *The Atlantic Monthly* and then as a book (1888). It was a book for the few who could relish a somewhat satirical treatment of academic and intellectual society and at the same time could bring to the reading some intimacy and sympathy with psychical questions. In the quarters where any welcome might have been expected for it, the story met with a warm reception, the London *Spectator*, for example, devoting nearly two pages to the commendation of it.

In quite another field — that of political writing — Mr. Quincy was abundantly productive. Through the Civil War period he was a frequent contributor to the *Anti-Slavery Standard*, both in the editorial department and as assistant and successor to his uncle Edmund Quincy in the capacity of Boston correspondent. Throughout his life he was a prolific writer of unsigned contributions to the daily press on passing political topics. The single subject on which he wrote perhaps most frequently was that of taxation. Two pamphlets, "Tax Exemption no Excuse for Spoliation" (1874) and "Double Taxation in Massachusetts" (1889), speak for his interest in this matter. Other essays on political and educational topics were brought together in a volume, "The Protection of Majorities" (1875).

The files of *The Unitarian Review*, of Dr. Hale's magazine, *Old and New*, and of *The Atlantic Monthly* speak further of his productiveness as an essayist. A paper on "Intolerance" in *The Unitarian Review* for June, 1880 — an amplification of Froude's dictum that "real belief is necessarily intolerant" — presents with vigor a perennially wholesome truth, and shows clearly enough why the editors wanted his essays. In *The Atlantic* for September, 1890, a little paper on "Cranks as Social Motors" affords an excellent example of Mr. Quincy's skill in this form of expression. "Cranks," he remarks, "come from all classes, and may be roughly defined as persons who have not the instinct of their order." Their value in putting things in motion is set forth in telling phrase and apt, abundant illustration. Then, with a quaint recognition of the humor in the situation, he declares it "impossible to forbear the opportunity of delivering himself of opinions which for the past thirty years he has advocated, and which, according to the judgment of those who ought to know, entitle him to a fair position in the brotherhood of cranks," mounts his own hobby and makes a brief eloquent plea for "a total change in our methods of taxing."

It remains to say a word about Mr. Quincy's dealings with historical matters. His contributions to the *Proceedings* of this Society span a broad stream of time and topics. Beginning in 1870, five years after his election to the Society, with remarks on the gift of a letter relating to the battle of Bunker Hill, his written and spoken words extend even to a tribute to William Everett delivered at the February meeting of 1910, the year of Mr. Quincy's death. Memoirs of Thomas H. Webb, Robert C. Waterston, Octavius Brooks Frothingham and Edmund Quincy stand to his credit in the biographical portion of our records. Contributions appear in many of the volumes of *Proceedings* published during the forty-five years of his membership. Outside these records a delightful specimen of Mr. Quincy's historical work is to be found at the beginning of the fourth volume of Justin Winsor's *Memorial History of Boston.* The chapter on "Social Life in Boston: From the Adoption of the Federal Constitution to the Granting of the City Charter" called upon him for knowledge which he was peculiarly qualified to acquire and impart. Students of Boston history will always be the richer for what he gave them here. So, too, in a measure

far greater, both students and readers owe him their gratitude for a service which he never claimed. But for him that clearest illumination of Boston life during the earlier portion of the nineteenth century, *Figures of the Past*, could hardly have come into being. In the Introduction to the book his father, Josiah Quincy, wrote that when a New York editor asked him to furnish a series of papers upon former men and things, his first impulse was to decline the proposition: "weighted with nearly fourscore years, I could not think of entering the list of general letters. I was about to succumb to this embarrassment when a friend, who had read my journals with interest, offered me his most valuable aid in what may be called the literary responsibilities of the undertaking. My narratives have gained in grace of expression as they passed beneath the correcting pen of my obliging critic, and I am confident that a stern exercise of his right of curtailing reflections and omitting incidents has been no less for the reader's advantage. The first paper, as originally published,[1] contained an explicit avowal of this indebtedness; and it is right that I should repeat it more emphatically in allowing the series to be put into a permanent form." The "friend" and "obliging critic" was no other than his son, who may truly be said to have made the book out of the materials supplied by his father. It is far from fanciful to believe that the avowal of indebtedness would have been explicit enough to render the friend and critic recognizable to all but for the son's determined preference to remain in the background.

When the first of Mr. Quincy's books, *Lyteria*, appeared anonymously, a reviewer revealing the author's name said in effect that it could not have been withheld because the work was poor, and added that he was "his own severest critic." In what has been said here about his writing in general more emphasis has been laid upon the substance than upon the form of it. In the form there was a pervading distinction which spoke for standards due to no passing fashions but to the best models in the writing of English. Through all his prose there was the nicety of phrase, the felicity of epithet characteristic especially of those whose English rests upon a basis of classical training, and has acquired besides something of the fluidity which often springs from the exercise of writing verse. Mr. Quincy could

[1] In *The Independent*.

not have measured himself by the standards which he set up without being indeed his own severe, if not severest, critic. Where the qualities which marked his writing will be found when the influences which produced them shall have passed completely away, one may not predict.

Of his whole avoidance of foregrounds in life it may be said, after all, that he was essentially a private person. It is hard to dogmatize about human character, and to say in the present instance just how much the devotion to privacy was due to an imperfect adaptation of physical and temperamental equipment to the commoner activities of American life, or how far it was the direct result of an habitual state of mind, speculative rather than executive and unworldly to a degree most rare in any time or place. As one saw him in later years he seemed to represent a vanishing type, to carry into our own period an image of a period that has closed. If it is safe to venture a generalization, the men who arrived at maturity before the Civil War carried forward into our common day some rays from the morning light of American civilization; the men now approaching old age who first came actively upon the scene during or after the Civil War are far less markedly separated from their younger contemporaries. The Civil War was the great dividing line of our social, as of our political, history. Apart from merely personal characteristics, then, Mr. Quincy will be remembered by many as a representative of the older order. In the more individual aspect he will recall himself as a reserved and modest gentleman of distinguished mien and carriage, genuinely democratic, of the friendliest disposition towards all his fellow-creatures, with tastes of a simplicity almost austere, with habits of life so quietly ordered as to assume even a cloistral quality. But between the outward show of this sheltered existence and the inward reality the divergence was broad. Of external adventure Mr. Quincy was peculiarly innocent through all his days. In mental and spiritual adventure he was undaunted and untiring. To all the dominions which he explored he carried that which the traveller must bear with him if he is to bring anything home from his journey. And home he bore a wealth of thought on all that renders life the vital thing it is.

After an illness of a single week Mr. Quincy died of pneumonia, in Boston, October 31, 1910.

## JANUARY MEETING, 1912.

THE stated meeting was held on Wednesday, the 11th instant, at three o'clock, P. M.; the PRESIDENT in the chair.

The record of the last meeting was read and approved; and the Librarian reported the list of donors to the Library since the last meeting.

The Corresponding Secretary reported the receipt of a letter from Justin Harvey Smith accepting his election as a Resident Member.

The Cabinet-Keeper reported the gift, by Francis Apthorp Foster, of a photogravure of the Burgis view of Harvard College in 1726, the original of which is in the possession of the Society.

The PRESIDENT announced, on the part of the Council, that members of the Society would hereafter be privileged to invite guests to be present at meetings at which either announcements of death were made or papers read, after the business meeting had terminated, without previously giving notice and obtaining permission for so doing.

The PRESIDENT read the following tribute to Mr. John Bigelow:

Since the last meeting of the Society we have lost that one of our Corresponding Members whose name has for eleven years stood at the head of the roll. John Bigelow died at his house in Gramercy Park, New York City, on the 19th of December.

It is not customary here to make particular mention of the Corresponding Members at time of death. Presumably what is desirable to be said concerning them will have been said elsewhere, and does not properly pertain to our records. Nevertheless, there are exceptions to all rules, and Mr. Bigelow clearly constitutes an exception to the rule to which I have made reference.

Mr. Bigelow was elected a Corresponding Member at the February meeting, 1875, as I was elected a Resident Member at the April meeting of the same year. His connection with the Society and mine consequently were of almost exactly the same duration up to last month, — covering a period of over thirty-six years. Elected nine years after he had retired from his post of Minister at Paris, and in the full maturity of his powers, he also held his membership in esteem, as was evinced by his contributions of one character and another to our *Proceedings*. I am not aware that he was ever present at a meeting. If so, it certainly has not been during my occupancy of this chair. He did, however, if my recollection does not deceive me, attend a reception given by me to the members of the Society and others in the Ellis room in June, 1904.

My personal relations with Mr. Bigelow go back many years, and have always been of the most friendly and at times almost intimate character; and his going, consequently, even though at the ripe age of ninety-four, made a painful impression on me. It was the snapping of the last link connecting us with a period long anterior, and generations that are gone. And it was in this aspect that the life of Mr. Bigelow, especially in the later years, was most interesting to me. Indeed, few of us now realize that world with which he connected us, and how very remote it was. Not only was it that of a generation ago, but more nearly that of three generations ago. He himself has told the story. He has described how he came to the city of New York in 1835, during the Presidency of Andrew Jackson. As a student of law, he sat at a desk in the building then on the corner of Cedar and Nassau Streets, the busy site now occupied by the Bank of Commerce edifice. Then a young man of eighteen, he had come to New York, as so many others did and since have done, there to establish himself, and to get a living if he could. There he remained practically by an unbroken residence extending over hard upon eighty years. His acquaintance with the city of his adoption, its habits, its social life and its commercial development thus, as I have said, covered the lives of nearly three generations. In 1838 he was admitted to the New York Bar. After ten years of not very active practice thereat, he in the autumn of 1848, at the suggestion of William Cullen Bryant, became the owner of a part interest in the

*Evening Post* newspaper, and thereafter for some years served as its working editor. Acquiring what he regarded as a competence, he subsequently, in 1861, withdrew from the journalistic career, but only to be appointed in the following August United States Consul General at Paris. Remaining in France, first as Consul General, and then as Minister at the Court of the Second Empire, from the autumn of 1861 until the close of 1866, he returned to New York, where he afterward lived. During the later years, occupying himself chiefly in the preparation of his voluminous *Retrospections*, he was also concerned in a wide field of public usefulness, — his activities were numerous. Mr. Bigelow's life, therefore, covered the whole period of what may fairly be termed New York's "metropolitan development," and during that period he held almost intimate personal acquaintance with many of the leading inhabitants of the city, — the actors in over two generations of municipal life, and local and national politics. The great New York City fire of December 5, 1835, occurred shortly after young Bigelow's first arrival, and during the nearly eighty years which have since elapsed he saw New York develop from what was little more than an overgrown commercial town, still somewhat Dutch and essentially provincial, with a population inhabiting a town the principal resident quarter of which was in the immediate neighborhood of the Battery and the City Park, — he saw, I say, this overgrown town develop into the metropolitan city with which we are familiar. He wrote a "Prelude" to his *Retrospections*, in which he alludes in quite a striking way to the changes which had occurred within his memory. Speaking of New York in his early life, as he first remembers it, he said:

> In those days the "gray goose-quill" was the universal implement of the ready writer. The pen of steel or gold was a secret of the future.
>
> There were no telegraphs or telephones, defying time and space.
>
> Neither steam nor electricity as a power had entered into successful competition with the horse or the ox.
>
> The oceans as yet were vexed only by the same capricious elemental and mechanical forces as those which wrecked St. Paul some nineteen centuries before on the island of Melita.
>
> Our houses were lighted at night only by tallow dips.

The most powerful explosives then known, for purposes of either war or peace, would prove about as valueless for the protection of a city or for resisting a siege at the present day as a pair of spectacles.

Were our commercial metropolis by a sudden dispensation of Providence deprived of the resources with which science and the industrial arts have provided it since [1830], the hundreds of thousands who now flock thither every morning from its territorial circuit of forty or fifty miles would be obliged to consume two days in a journey which now occupies habitually less than as many hours. As its population never has a supply of provisions on Manhattan Island for more than three days, only those who could get on foot to some source of supply elsewhere could escape starvation, inasmuch as all the available means for the transportation of food would not suffice for the population of the Waldorf-Astoria Hotel alone for a single week, if for a single day. Those who failed to make a timely escape would have neither water to drink nor fire to cook with; the total of the only fuel then used or known in the city would not suffice to cook a breakfast for its inhabitants. Soon after sunset the city would be in total darkness, except in the rare cases where an old flint-lock musket had chanced to have survived its usefulness as a weapon to anticipate the arrival of sulphuretted matches. Nothing but provisions would have any value, and most edibles would be worthless for want of fire and water to prepare them. No newspaper could appear to tell what had happened or how to reorganize life upon the new conditions, so completely has the machinery for printing and journalism changed in the last threescore years and ten.

In following this most suggestive line of "Retrospections," Mr. Bigelow might have gone much further. In 1835 anæsthetics were as yet undreamed of, and the discovery of antiseptics — of scarcely less importance to mankind — was to be the work of another generation. Methods of medical treatment and surgery as they exist today were almost what they had been a century before, — practically in the Sangrado stage of development.

While Mr. Bigelow was editor of the *Evening Post*, he wrote a series of communications, not yet wholly forgotten, which appeared in its columns over the signature of "The Jersey Ferryman." He adopted that *nom de plume* for the reason that the politicians were supposed to go to and fro across the North River on their way to Washington and back, and it was in his character of the ferryman that he picked up the informa-

tion thus made public. Now the ferry has so far disappeared that the passenger to and from Washington passes from what was then the sparsely inhabited suburban region above Thirtieth Street, by tunnel under the North River, emerging therefrom on the Jersey side. In fact, trying to transport ourselves back to the year 1835, it almost seems as if the work of what is now known as the school of applied sciences had not yet begun. Chemistry and engineering were in what we regard as their practical infancy. James Kent, having twelve years before retired from his office of Chancellor of the State of New York, had only recently ceased to lecture at Columbia College; and John Marshall died that very year. As to our literature, it was literally in its childhood. The Knickerbocker School, so called, flourished; but the great group of Massachusetts literary lights were as yet in the glimmering stage. As to American history, the first volume of George Bancroft's life-long work, afterwards largely re-written, was published in 1834. I have said that our literature was then in its childhood; I may not unfairly add that, as respects literary style, the volume referred to was typical.

It was, however, with William Cullen Bryant of the Knickerbocker group that Mr. Bigelow was more peculiarly and intimately associated. And that fact in itself constitutes a link of somewhat remote association, for it was in 1816, or ninety-six years ago, that Bryant made, in the publication of "Thanatopsis," his earliest noticeable appearance. The active life of the two men covered, therefore, a century.

Mr. Bigelow to the end had a keen appreciation of the older man, and in his *Retrospections* pays a generous tribute to him. He says:

> In looking back upon my past life, I have been frequently impressed with the sense of my obligations to the superior standards by which I had from time to time the privilege of gauging my conduct. For full twenty years after my daily intercourse with Mr. Bryant terminated by my retirement from the *Evening Post* and absence from the country, I would find myself frequently testing things I had done or proposed to do by asking myself, — How would Mr. Bryant act under similar circumstances? I rarely applied this test without receiving a clear and satisfactory answer. The influence which Mr. Bryant exerted over me by his example — he

never gave advice — satisfies me that every one undervalues the importance of his own example. In ordering our own lives, we are unconsciously ordering the lives of everybody else; for a wave of influence once projected by us never sleeps even when it has washed every shore (I. 54).

His estimate, however, of Mr. Bryant as a poet and literary man would, perhaps, by most now be pronounced somewhat extravagant. In one place, for example, he alludes to some unfamiliar stanzas of Mr. Bryant, entitled "The Cloud in the Way," as better than any poem which "had appeared in the English press for the previous thirty years." Elsewhere, also (p. 324), he refers to Mr. Bryant not only as the first literary man of America, but as "the greatest living poet."

Since his death Mr. Bigelow has been eulogized as a man and as a citizen. The many offices he has held have been enumerated, and the work he did has been dwelt upon. Scarcely a word, however, has been said of his religious beliefs, though these entered very largely into his character. He belonged to the Swedenborgian sect, and some years ago he wrote, and privately printed, a little volume entitled *The Bible that Was Dead, and Is Alive, That Was Lost and Is Found, and How I Came to Know and Reverence Emanuel Swedenborg*. Of this volume, revealing as it did what had been one of the great motive powers in his life, he said: "I have prepared it as a narrative of the circumstances which led to my own deliverance from a spiritual bondage no less depressing and degrading, nor I imagine, very much different from what the Israelites endured in Egypt."

This was a curious and striking trait when one came suddenly across it in the more intimate relations with Mr. Bigelow. I remember it so impressed me some years ago, when it almost seemed to me that he desired to lead me into the path which he had trod. I fear, however, that in my case he found but an indifferent subject on which to work, — one agnostically inclined.

None the less, by the death of Mr. Bigelow we have lost the last considerable connecting link with a generation destined to figure large in the history of this country and the world. For my own belief — and I take it, it is a belief which will be generally concurred in — is that hereafter in the retrospect of history the events which occurred in the United States

between 1860 and 1870 will project themselves no less boldly than with us do the years of the French Revolution, those of our own struggle for Independence, or those of the English Civil War of Cromwellian times; and when that narrative comes finally to be written, Mr. Bigelow will unquestionably figure in it. And he was the last survivor of those who then held high and responsible public position. Of what then occurred, of the men he knew and with whom he was closely associated, and of the part he played in connection with them and those memorable events, he has left his own record.

Dr. GREEN called attention to a volume now in the Society's collections:

A copy of a book entitled *The Last Men of the Revolution* (Hartford, 1864) has recently been given to the Library, which has a lithographic fac-simile of a letter written by Edward Everett, probably the last one he ever wrote. It is dated on Saturday, January 14, 1865, after an illness of several days which threatened pneumonia; and he died suddenly very early on Sunday morning, January 15, from a stroke of apoplexy. The letter was written to Messrs. N. A. & R. A. Moore, the publishers of the book in Hartford. Soon after the date of the letter, it was in the possession of Mr. James Parker, of Springfield, a noted antiquary and collector of autographs. He caused it to be lithographed, and gave copies to his friends, among whom was Amos A. Lawrence, a former member of this Society.

From a letter written to Mr. Lawrence by Mr. Parker, under date of March 22, 1867, it seems that the writer was extra-illustrating a copy of the *Memoirs of Major-General Heath during the American War*, and that he was desirous to obtain an autograph letter of Washington to insert therein. Whereupon Mr. Lawrence, with his accustomed generosity, gave him one, evidently taken from the Heath manuscripts. Probably he reserved a very few of the Washington letters from the Heath Papers at the time he gave the collection to the Society, as, according to the index in each volume, a few of these letters are missing. Very likely it was one of these that he gave Mr. Parker, who was a remote kinsman, both springing from old Groton families. I knew Mr. Parker well, and at the time of his death in Springfield, on January 2, 1874, I wrote

an obituary notice of him which duly appeared in the *American Journal of Numismatics* (VIII. 95) for April, 1874.

The following is a copy of Mr. Everett's letter:

BOSTON, 14 Jan. 1865.

GENTLEMEN, — Since I received your favor of the 7th and the little volume accompanying it, I have been very ill, and now am able to answer but very briefly. I have looked through the Biographies with interest, and they appear to me to contain all that can be expected. The anecdote of General Washington's stopping to "jerk stones" with the men is excellent, and is in accordance with the traditions of his Youth which describe him as being able to throw a stone over the Rappahannock below Fredericksburg.

In the year 1836, being then Governor of Massachusetts, I signed a Pension Warrant for a person who lost an arm at Fort William Henry in 1757.

I remain, Gentlemen, respectfully yours,

EDWARD EVERETT.

Messrs. N. A. & R. A. Moore.

The copy of *The Last Men of the Revolution* is given to the library by Mrs. Frederic Cunningham, of Longwood, a daughter of the late Amos A. Lawrence. The book contains some additional matter relating to the subject in the way of newspaper clippings and including a photograph of Mr. Everett.

Mr. FORD then read a paper on

## THE RECALL OF JOHN QUINCY ADAMS IN 1808.

The recall may be applied to the executive, the legislature and the judiciary. As regards the executive, it has possibilities; with the legislature, it is of doubtful merit; applied to the judiciary, it may abound in mischief. My story relates to its application in 1808 to a United States Senator from Massachusetts.

June 22, 1807, the British armed ship *Leopard*, in a time of peace, fired upon the American frigate *Chesapeake*, "an act so lawless that no man of common sense even in England ventured to defend it as lawful." If it was to prevent a repetition and obtain reparation for the insult, but one course lay open to the administration, and in that course it must have the support of the people, no matter how serious the necessary

measures became. The news of the attack reached Boston June 30. The Federalists hung back, hesitating; but John Quincy Adams, a Federalist by inheritance, by connections and by associations, at once pledged his support to the administration. Knowing that the Selectmen of the town would not summon a regular town-meeting on the application of the supporters of Jefferson,[1] a number of citizens of Boston, on July 9, called a public meeting for the next day. At that meeting a committee of seven was named to report resolutions expressing the sense of those there gathered on the momentous occasion. The name of Adams, who alone among the Federalists of reputation had attended the meeting, stood second on the committee. No doubtful tone infected the resolutions, for they recognized to the fullest extent the duty as well as the right of the citizens to express their support to the constituted authorities in measures of redress.[2] The effect of the meeting was such as to compel the Federalists to act, though some of the leaders — Parsons and Pickering among them — refused to participate in any public movement. At that period neither the Exchange nor modern Club had been evolved as a recognized factor in Boston's business or social life, and the ordinary place of meeting of those active in mercantile or political circles was in the State Street offices of the insurance agencies, known as underwriters. On the morning of the day (9th) on which the citizens' indignation meeting was to take place, John Lowell, a man as prominent then in Massachusetts politics as he was in Boston business circles, met J. Q. Adams in one of these offices, and a decidedly heated altercation occurred between the two, in the course of which Lowell openly justified Admiral Berkeley's order under which the commander of the *Leopard* had acted, including its consequences to the *Chesapeake*.[3] With that counting-room altercation fresh in mind J. Q. Adams had gone to the Faneuil Hall meeting, and actively participated therein. Subsequently a regularly called

[1] Adams, *New England Federalism*, 182.

[2] *Columbian Chronicle*, July 13, 1807.

[3] Adams, *Memoirs*, 1. 468. Gore was mistakenly made the hero. "A serious Question. — Did not Mr. Gore, in dispute with John Q. Adams, our Senator, last July, justify the conduct of the British officers in their attack upon the Chesapeake, on the ground that there were British deserters on board? Those who heard the conversation in State-Street are requested to inform the public." *Independent Chronicle*, March 28, 1808.

town-meeting held in Faneuil Hall on the 16th was attended by many Federalists, and the committee on resolutions was headed by John Quincy Adams, with whom were associated such men as Harrison Gray Otis, William Eustis, Christopher Gore, Dr. Charles Jarvis, Jonathan Mason and Dr. John Warren. The earlier meeting gave the tone to the later.[1] To this extent party lines tended to disappear, but were certain to reappear as soon as specific measures came into consideration. When the *National Intelligencer*, the recognized organ of the administration, intimated that a suspension of exports for some months might become necessary, to prevent the seizure by England of American ships, a ripple of excitement, almost of consternation, passed through New England, for such a proposition fitted well into the principles of Jefferson. Some said Jefferson had written the paragraph. But Congress was not then sitting.

The session of 1807–1808 was eventful, and to no member of either house so eventful as to Adams. The shots of the *Leopard*, as he then believed, brought his political career to a crisis the most difficult to encounter that could happen to mortal man. It was presidential year, when all measures had in view the approaching election. Adams had no close relations with the executive, and was not in a position to know its policy save so far as the Senate was given its confidence. He had already taken positions on public questions which separated him from his colleague Pickering, as on the acquisition of Louisiana. Notably, also, in the case of John Smith, Senator from Ohio. This Senator, it was charged, had been involved in the so-called conspiracy of Burr. Adams, who prepared the Senate report, favored expulsion. The *New York Evening Post*, a hostile critic, warned him against the great danger to a republican government from faction. In words prophetic it said: "In times of tumult and the rage of party, virtue cannot defend,

[1] The *Repertory*, a Federalist sheet, deprecated the call for the meeting of July 10, which had appeared in the *Chronicle*, as an "irregular and tumultuous mode of proceeding," and as a partisan move, as the Federalists were warned not to appear at it. While urging that "no just and honorable man of any party" should attend, a pledge of support followed, but limited by the condition, "whenever the disastrous hour arrives in which the Government declares that Great Britain is our enemy." Looking upon the meeting of the 10th as partisan, that of the 16th was recognized as "conducted on a correct and liberal plan." July 10, 17, 1807.

neither can innocence excuse. All republics have suffered, and most of them have perished, by the rash sacrifice of their best men to popular frenzy. Nay, the just has been punished merely because he was just."[1] Was it an echo of this attack in John Adams' distressed cry in 1809, — "My son is banished to Siberia because he is just?" Plumer wrote from New Hampshire that the report on Smith "had given mortal offence. In several of these companies when I have attempted its defence, I have not only found myself alone, but have suffered a portion of that abuse and calumny which they have so illiberally vented against its author. To you I need not say that it is not an uncommon thing for a people to abuse and vilify its best friends, and approve and reward their best enemies."[2] The Republican Corresponding Society of Cincinnati, Ohio, about the same time passed resolutions warmly commending the report. "With horror and indignation," one of these sentences ran, "they have witnessed an attempt to put in execution a scheme which had for its object a dissolution of the 'Federative Union.'"[3] Pickering, in 1824, asserted that there were passages in the report which "outraged, I believe, every distinguished lawyer in America."[4]

The attacks upon Adams for this report were in part based upon his refusal to act with the New England Federalists in their schemes for future political action, action that logically led to the Hartford Convention. Another event came to aggravate the attacks, to convince many that he had abandoned the Federalist party and united himself to the enemy, and to place him in opposition to the moneyed interests of New England. Neither the industry nor the commerce of that section of the country would stand for an embargo — the last word before war, and a commercial war of disastrous conditions. Yet Adams voted in December for an embargo, for one of unlimited duration and at the behest of Jefferson, who knew nothing of trade or manufactures, and hated them as only a farmer and a losing one can do. Adams voted for it unreservedly and with eagerness, believing that if it was not possible to have war for

[1] *New York Evening Post*, January 23, 1808.

[2] *To John Quincy Adams*, February 12, 1808. MS. Papers thus noted are from the Adams MSS.

[3] Resolutions, February 13, 1808. MS.

[4] *Review of the Correspondence* [Adams — Cunningham], 41.

the defence of American maritime rights, an embargo would at least save American property on the seas from the depredations of England and France. He defended the measure as the only alternative of war, for which the country was not prepared.

The embargo offered a pause for deliberation, in a moment of peculiar peril.[1] John Adams had not clamored against the embargo, because he thought it a

> necessary temporary measure, well knowing that it could not be of long duration. I agree with you, that it ought to have been limited to some period. Any longer continuance of it is not conformable to my feelings or judgment. I had much rather hear a cry in Congress like that which had so often sounded in the British Parliament, "Who shall dare to set limits to the commerce and naval power of this country?" In refusing to acknowledge a right in Great Britain to impress seamen from our ships, in opposing and resisting the decrees and orders of France and England, in resisting the outrages and hostilities committed upon us, the administration have my hearty wishes for their success.[2]

Adams' colleague in the Senate, Timothy Pickering, had for some time been restive under the difficulties of a questioned and a waning leadership. Dictatorial, he was accustomed to be followed; the leader of the remains of the Federalists, a party in blind opposition to the Executive, his schemes had no place for one so independent as Adams. A clever and ambitious politician, he had a long memory for the balks and obstacles encountered in his rise, and the elder Adams had been for him a chief instrument of humiliation. An able controversialist, and on this question of an embargo, with almost the entire press of New England behind him, he could take advantage of every opening an opponent offered, and make the most of it. He did it in this instance in a masterly manner, for his attack was sudden, unforeseen and most effective. In a letter to the governor — James Sullivan — dated February 16, 1808, he laid stress upon the absence of reasons for an embargo in the papers submitted by the President, on the impolicy of the measure, and on the necessity for a combination of the commercial States against it. In thus condemning the embargo, by implication he condemned all those Senators who

[1] The phrase is Cunningham's, in letter of September 19, 1808.
[2] *John Adams to William Cunningham*, September 27, 1808.

had voted for it. Although Adams' name was not mentioned in the letter, no one could doubt the purpose intended; for it was written toward the close of the session of the Massachusetts legislature, and immediately before the State election, on the result of which would turn the choice of a United States Senator, to fill the place then occupied by Adams. It was largely a political and partisan paper. Addressed to the Governor of the State, intended to be submitted to the Legislature in the last hours of its session, and to be made public, Pickering took no chances of a miscarriage through the neglect or refusal of the Republican Governor to lay it before that body. He sent a copy of it to George Cabot, and as soon as it was seen that Sullivan would not do what was wanted of him, Cabot put it in the press. Five days after the letter was in the Governor's hands Otis had moved in the State Senate that any letters received by the Governor from either Senator, be communicated to the Senate; but the motion was rejected. On the next day some copies of Pickering's letter were obtained from the printer,[1] and in the following thirty days tens of thousands of copies were circulated, in pamphlet, broadside and newspaper.

Adams received his first copy of the letter on March 16.[2]

[1] *Interesting Correspondence*, 14 *n.* "Governor Sullivan, it is confidently said, has received information from both the Senators of this State in Congress; but a motion to request him to promulgate it, has been negatived [March 7] in the [State] Senate." *Columbian Centinel*, March 9, 1808. See *Salem Gazette*, March 15, 1808. No letters from Adams to the Governor on public affairs at this juncture have been preserved. Pickering's letter ran through many reissues, besides being reprinted in all the Federalist newspapers of New England. One of these reprints, made in Northampton, contained quite a lengthy letter in commendation, signed "Thousands." Carter, of the Providence *Gazette*, stated that 2000 copies had been issued as a handbill, besides the newspaper edition. The *Newburyport Herald* printed it as a pamphlet, and a New York imprint is said to exist. In all some 30,000 pamphlets and 40,000 newspapers were estimated to have issued before the end of March. *Salem Gazette*, March 25, 1808. Such was the desire to read this letter, we are gravely told, that "little boys fought for it with the utmost avidity;" which led the *Chronicle* to remark that the next edition should be composed after the manner of Doctor Watts:

"My book and heart
Shall never part."
"Old *Timothy*
Learnt sin to *fly*."

*Independent Chronicle*, March 24, 1808.

[2] On the next day he received copies from his correspondent Joseph Hall, who wrote: "It may turn out that our Executive [Jefferson] in his foreign rela-

He saw at once the issue that was joined, and realized the force of the attack and the ability of his opponent. Time was precious, yet three weeks were occupied in preparing a reply, and in those three weeks Pickering had the field to himself. Letters of abuse, advice and warning came to Adams, of which this may serve as a specimen:

MR. JOHN QUINCY ADAMS, — We have received a letter from Mr. Pickering. It is explicit. We see the man. It is said that the whole of Mr. Quincy Adams's doings are involved in mystery. There is no mystery in them. When the public interest is sacrificed for private views, what will not a man do in order *to appear* to be patriotic? Lucifer, son of the Morning, how hast thou fallen! We hope not irrecoverably. Oh, Adams, remember who thou art. Return to Massachusetts. Return to thy country. Assist not in its destruction. Consider the consequences. Awake, arouse in time.

A FEDERALIST.

BOSTON, 8 March, 1808.[1]

On April 9 the reply appeared. Also circulated in large numbers, it could not overcome the effect of the attack.[2]

tions is playing the Devil with the country. Mr. Pickering has S. T. Mason as a model, and his own conduct when Secretary of State to prove his as well as Genet's right to appeal to the people." Adams MSS.

[1] From the Adams MSS.

[2] SHAW TO ADAMS.

BOSTON, 9 April, 1808.

MY DEAR SIR, — I had the honour to receive your letter to Mr. Otis on Thursday evening last, and have attended to its publication, with as much expedition as possible. The printers have published an edition of a thousand copies; the sale of them commenced this morning, and the whole are now disposed of. Oliver and Munroe are now printing a second edition of a thousand more on their own account and have contracted with several of the democrats, with Eben Larkin bookseller at their head, to print three thousand more for general circulation in the Country. In consequence of the great haste with which they were printed, some few errors have escaped us, which I shall see corrected in the second edition. I sent you several copies last evening and now send you several more by this mail. I have also agreeably to your direction sent a copy to Governour Sullivan and to Mr. Otis. . . .

WM. S. SHAW. — Adams MSS.

"Mr. Pickering's letter had before our election been circulated with so much industry, as to be in almost every house in Massachusetts; but your letter to Mr. Otis has been sought for with still more avidity. The information it contains has already given a new tone to public opinion, and it is likely to have a salutary effect upon our common welfare. Coming from one of our Senators, who, it is believed, is always carefull to keep himself well-informed upon our national affairs, it will prove a most acceptable communication to the people of Massachusetts." *Samuel Dana to John Quincy Adams*, April 18, 1808. MS.

Pickering's object was not only to prevent the selection of Adams to succeed himself, he intended to read him out of the party and so destroy any hope of future political honors.[1] Yet if Adams was an apostate, as the Essex Junto would call him, the beginnings of his apostasy lay in the Boston resolutions, which other and better Federalists had accepted. To his mother he wrote:

To Abigail Adams.

Washington, 20 April, 1808.

. . . . . .

As for myself, I have not indeed written you so often as my inclination would have dictated; but I hope you will impute it to any cause rather than to a failure in the dearest of my duties. Among the severest of the trials which have befallen me during the present session of Congress (and they have been severe beyond any that I ever was before called to meet) that of having incurred in some particulars the disapprobation of both my Parents has been to me the most afflictive. Totally disconnected with all the intrigues of the various parties which have been in such a violent electioneering fermentation, I have been obliged to act upon principles exclusively my own, and without having any aid from the party in power have made myself the very mark of the most envenomed shafts from their opponents. Although I attended at Mr. Bradley's Caucus or Convention, yet it has been very explicitly understood by the principal friends of the Candidates that I had no intention to become the partizan of either. This neutrality with regard to persons, has of course neutralized the men of both sides in return, and having taken an active and decided part upon much of the public business, it has on one side been convenient to load me with the burthen of managing as much of it as I would assume, and on the other to leave me to defend myself as well as I could from the assailants of another quarter. Hence there has been scarcely a measure of great public importance but I have been obliged to attend to in Committee as

[1] "This party [the Essex Junto] have already begun their attack on Mr. John Quincy Adams. They have defamed him in the most infamous manner. They have represented him as an apostate, and being guilty of voting for himself as a candidate for Vice President. Notwithstanding this outrage on decency and propriety, they style themselves *Adams Federalists*. When their champion [Alexander Hamilton] abused President Adams in a circular letter, palmed upon the public in the same insidious way with Pickering's, and the son of the late President is traduced by the most flagrant publications against his late conduct in Congress, can there be any sincerity in the profession of such men?" *Independent Chronicle*, March 21, 1808.

well as in the Senate; and in addition to all the rest a question of expulsion of a member has been imposed upon me, of great difficulty respecting the forms of proceeding, and the merits of the particular case, which I have been compelled to carry through almost alone. The question was taken about ten days since, and the vote for expulsion was nineteen to ten. The Constitution requiring two-thirds to carry the vote, it failed by a single vote. I could tell you, though it may not be proper to say upon paper, by what a curious concurrence of parties the ten votes of acquittal was compounded.[1]

The letter of Mr. Pickering is another document of which I could account for the origin from circumstances perhaps not known to you. I was not named in the letter, but it was hardly possible for me to avoid noticing it. My letter to Mr. Otis was written in great haste, and of course in point of composition is incorrect. It touches only upon the leading inaccuracies of his statement, because both my own want of time, and a regard to the public patience, made it necessary to be as short as possible. Yet it engrossed every leisure moment I could command for a fortnight. I mention these things by way of excuse for not having written more frequently to you.

I have had no intention or desire of influencing elections by what I have written. If an impartial person will consider the situation in which I was placed by Mr. Pickering's letter, I think he will perceive that something from me was indispensable. The effects of my letter will, I hope, be what was intended — to promote Union at home, and urge to vigor against foreign hostile powers. If federalism consists in looking to the British navy as the only Palladium of our Liberties, I must be a political heretic. If federalism will please to consist of a determination to defend our Country, I still subscribe to its doctrines.

My father and brother write me that my letter to Mr. Otis will not have much circulation. I know very well that argument for Embargo will not be so catching as invective against it, and if my countrymen are not inclined to hear me, I must bear their indifference with as much fortitude and philosophy as I can command. I should hope at least that in future, the Legislature will not be taken *by surprize*, and driven to imprudent measures, by having a fire-brand thrown into their windows, in the midst of their session.

We adjourn next Monday. In a fortnight from that time I hope to have the pleasure of seeing you, and at least at Quincy I shall be sure of meeting no altered faces. . . . Your's dutifully,

JOHN QUINCY ADAMS.[2]

[1] See *Memoirs of John Quincy Adams*, I. 528. [2] Adams MSS.

We have his matured opinion of Pickering's letter, an opinion recorded some twenty years after the event. "The letter was unexampled, and in principle unconstitutional. . . . The Senate of the United States is a branch of the legislature; and each Senator is a representative, not of a single State, but of the whole Union. His vote is not the vote of his State, but his own individually; and his constituents have not even the power of recalling him, nor of controlling his constitutional action by their instructions. No instance had in twenty years before — that is, since the existence of the Constitution of the United States — occurred of such an appeal by a Senator of the United States to the government of the State by whose legislature he had been chosen. Its principle was itself a dissolution of the Union, — a transfer of the action of the national government to that of the separate States, upon objects exclusively delegated to the authority of the Union." [1]

What he encountered upon his return to Boston at the close of the session may be gathered from certain entries in his Diary. The position of the leading Federalists was accurately given to him in uncompromising terms by Chief Justice Parsons, and it contained everything that Adams regarded as wrong.[2] He attended the ordination of Joshua Huntington, and at the banquet was attacked by that political preacher, Dr. David Osgood, "in a rude and indecent manner on his reply to Pickering. I told him," said Adams, "that in consideration of his age (61) I should only remark that he had one lesson yet to learn, of which I recommended to him the study as specially necessary — and that was Christian charity." [3] He found his old friends, as a rule, against him, and

[1] *New England Federalism*, 195. [2] Adams, *Memoirs*, I. 534.

[3] Adams, *Diary*, MS.

Dr. Joshua Fisher, of Beverly, told this story curiously suggestive of the permanence of the rancorous political sentiments then prevalent. The record was made nearly a score of years after the events referred to in the text, and the occasion in question had occurred two years before, and during the J. Q. Adams presidential term (1825–1829). "When Quincy Adams was here two summers ago, my old friend Israel Thorndike wished to show him some attention. Mr. Adams consented to accept his hospitalities, and Mr. Thorndike made preparations for a grand dinner. I received an invitation, which I immediately declined, expressing simply my regret that I could not be present. In a few moments down came another note from Mr. Thorndike, saying: 'My dear friend, you do not perhaps understand that this is a large dinner in honor of the President of the United States. I expect the most distinguished men in the State; as one of my old friends and

his enemies exultant. The elections, turning not upon the true issue of the foreign relations of the nation, but on the embargo, resulted in a republican governor but a Federalist legislature. With almost indecent haste an election for Senator was held, and by small majorities James Lloyd was chosen. But Adams' cup of mortification was still full to the brim. Not content with this victory the legislature passed instructions to the Senators, instructions which Adams could not fulfil without sacrificing his opinions and his self-respect. He had no alternative, and on June 8 he sent his resignation to the governor. He could not act in conformity with the instructions, and he could not continue to represent constituents who had so openly expressed a want of confidence in him. He would not aid in promoting measures tending to dissolve the Union and to sacrifice the independence of the nation.

In Adams' measured words:

> The parties in the Commonwealth were so equally divided that the result of the annual elections was, till the meeting of the legislature, a problem. Governor Sullivan, an ardent friend of Mr. Jefferson's administration, was re-elected. By a representation of forty-three members from the town of Boston,[1] a bare Federal majority was secured in the House of Representatives. By the representation of the same town as county of Suffolk in the Senate, a bare majority was also obtained in that branch; and one of the first things effected by this majority was to elect a Senator of the United States to take my place after the ensuing 3d of March. The exultation with which this party victory was accomplished still dwells in the memory of

neighbors, you must be present.' I had no hesitation; I declined as before, saying that I understood the character of the dinner, but regretted that I could not be present. In a short time down came Mr. Thorndike himself in his carriage, in a somewhat excited state, saying, 'My old friend, I don't understand this! I invite you to dine with the President of the United States, and you decline without giving any reason! What are your reasons? Why won't you come?' I parried this question in every way and as long as I could, for Mr. Thorndike and I had been warm friends, and I have a great regard for him. But he persevered, and at length I said: 'Mr. Thorndike, you force me to give the reason, and I will. It may be all very well for you to give John Quincy Adams a dinner as President of the United States, and to invite in his honor all the distinguished men of the State; I don't object, I have no right to. But for myself, permit me to say, I would not sit at the same table with the renegade.' And with this answer Mr. Thorndike had to be satisfied. I did not go to the dinner." *Some Reminiscences of the Life of Samuel Kirkland Lothrop*, 153.

[1] This appears to have been an error.

some of the confederates; and no one better knows than Mr. Otis by what means it was effected. He was one of the members of the Senate from the county of Suffolk, and president by the same majority which elected a successor to me. But his father,[1] then Secretary of the Senate of the United States — always my friend, as I was a warm and faithful friend to him, — told me at the time that his son, like himself, was mortified at the election of another person in my place; that his son had done everything in his power to prevent it, but could not; that the tide ran too strong; that "the Essex Junto were omnipotent."[2]

Pickering's victory was complete, and he would have been a true prophet who could foresee any political future for John Quincy Adams. In fact Adams stood alone, not only politically but socially. "He walks into State Street at the usual hour of exchange," wrote Gore to Rufus King, "but seems totally unknown." He long remembered with gratitude the support given him by a very few of his old friends. Rev. William Emer-

[1] Samuel Alleyne Otis.

[2] Adams, *New England Federalism*, 202.

"We shall choose a Senator this Session; but who it will be I cannot say. To take one that cannot be objected to by the friends of Mr. Adams seems the great Difficulty. The Federalists have been very importunate with me on this subject, believing that such a choice would be made as to prevent all chance of a Division. Whether this be true, I cannot judge, but the sacrifice of personal feeling, or of interest, by absence, would be greater than I think I am required to make. Mr. Lloyd is thought of, and would certainly be an acquisition from his commercial knowledge, etc., etc." *Christopher Gore to Rufus King*, May 28, 1808. King, *Life and Correspondence*, v. 99. There is no evidence that Harrison Gray Otis opposed the unseating of Adams. He was not only president of the Senate, but was the chairman of the Federal caucus.

In a sketch of his career prepared for Skelton Jones of Virginia, in April, 1809, Adams described this incident: "In the Senate of the United States, the part which I acted was that of an *independent* member. My fundamental principles, as I told you, were *Union* and *Independence*. I was sworn to support the existing administration in every measure that my impartial judgment could approve. I discharged my duty to my country, but I committed the unpardonable sin against *Party*. The legislature of Massachusetts by a small majority of federal votes in May, 1808, elected another person to represent them from the expiration of my term of service, and I immediately resigned the remainder of that term. They had passed resolutions in the nature of instructions to their Senators, which I disapproved. I chose neither to act in conformity with those resolutions, nor to represent constituents, who had no confidence in me. It was not without a painful sacrifice of feeling that I withdrew from the public service at a moment of difficulty and danger, but when the constituted organs of that country, under whom I held my station, had discarded me for the future, and required me to aid them in promoting measures tending to dissolve the Union, and to sacrifice the independ-

son, the father of Ralph Waldo Emerson, was one of the number,[1] John Gardner another;[2] but the circle was exceeding small. Josiah Quincy refused to join in any asperities against him, denouncing the charge of self-interest in his conduct, a charge now more than hinted. "His deviation from his friends is perfectly reconcilable with the peculiar texture of his mind, without resorting to any suspicion of his political integrity," was his opinion.[3] In his own family Adams found the sympathy he craved, and right royally was it given. His father wrote: "His letter to Mr. Otis I applaud and admire. His resignation I approve. . . . The policy of a limitation to the embargo is, in a national point of view, and on a large scale, a nice question. I should, probably, have been for it; but there is so much to be said on the other side, that I cannot censure my son for agreeing to it, without limitation, believing as he did and had reason to believe, that it would soon be repealed."[4]

Writing to his mother, more than two years after the struggle, he said:

That a man should be deserted by his friends in the time of trial is so uniform an experience in the history of mankind, that I never had the folly to suppose that my case would prove an exception to it. Admiral Berkely brought on my time of trial, the only real one that has yet happened to me in the course of my life, and most completely was I deserted by my friends — I mean in Boston and in the State legislature. I can never be sufficiently grateful to Providence that my father and my brother did not join in this general desertion. There were exceptions in the town of Boston, which I trust I shall

ence of the nation, I was no representative for *them*. These were the immediate causes of my retirement from public life." Adams MSS.

[1] Of Mr. Emerson he wrote in 1811: "He was one of the very few friends who looked at me with unaltered eye, after the Junto had let loose their pack upon me, and the legislature of *Patriotic Proceedings* had dismissed me." *To Abigail Adams*, July 29, 1811. MS.

[2] "*He* is still my undeviating friend. I had much conversation with him on political topics, and find him as I ever did, rational and just." Adams, *Diary*, MS.

[3] *Life of Josiah Quincy*, 123–125. In the *Memoir of John Quincy Adams*, which Quincy prepared late in life (published in 1856), he wrote: "A course thus independent, and in harmony with the policy of the administration, caused Mr. Adams to become obnoxious to suspicions inevitably incident to every man who, in critical periods, amid party struggles, changes his political relations." On the charge of political dishonesty, made at the time, see Adams, *Memoirs*, I. 534.

[4] *John Adams to William Cunningham, Jr.*, September 27, 1808.

never forget. In the legislature *not one*. But as to political friends, the loss of one was the gain of another quite as trusty, and quite as honest. The Junto-men, whose pretended friendship had never been anything but disguised hatred, I considered it fortunate to have stripped of their masks, and at open enmity. But these half-faced fellowships, these *prudent* politicians who would have been my friends, if they had dared, but whose credits at the banks, advertising custom, or corporation favor, depended upon their disclaiming me, have made their friendship fit as easy upon me as it did upon themselves.[1]

The event was almost of international importance, for Pickering's connections with the representative of the British King were close and more far-reaching than he would have been willing at the time publicly to confess. From England came an echo of the contest, an unholy chortle of joy from George Henry Rose, late envoy to the United States to adjust the Chesapeake affair. "In Professor Adams's downfall," he wrote to Pickering, "at which I cannot but be amused, I see but the forerunner of catastrophes of greater mark. This practical answer of your common constituents to his reply to you was the best possible. By his retreat he admits his conviction that you were the fitter representative of the State legislature. In the conversion of Massachusetts, I see the augury of all that is of good promise with you."[2]

One solace he did possess, his lectures on rhetoric and eloquence at Harvard College. His critics did not spare him in directing attention to his faults of style, and to dub him Professor was regarded as good political humor. He had not completed his lectures before he was again called into public service, and from Madison he accepted the mission to Russia. In the last lecture, delivered July 28, 1809, in the period almost of his humiliation he said: "In the mortifications of disappointment, the soothing voice of the love of letters shall whisper serenity and peace. In social converse with the mighty dead of ancient days, you will never smart under the galling sensation of dependence upon the mighty living of the present age; and in your struggles with the world, should a crisis ever occur, when even friendship may deem it prudent to desert you; when even your country may seem ready to abandon herself and you;

[1] *To Abigail Adams*, October 14, 1810. MS.

[2] *Rose to Pickering*, August 4, 1808. Adams, *New England Federalism*, 372.

when even priest and levite shall come and look on you, and pass by on the other side; seek refuge, my unfailing friends, and be assured you will find it, in the friendship of Laelius and Scipio; in the patriotism of Cicero, Demosthenes and Burke; as well as in the precepts and example of him, whose whole law is love, and who taught us to remember injuries only to forgive them."[1]

In explanation of this compliment to the students he wrote to his brother, while on his way to St. Petersburg:

In the valedictory part of my closing lecture, when I called the students my *unfailing* friends, and supposed the possibility of an occasion in their future lives, upon which friendship might deem it prudent to desert them, I had a meaning the whole of which they probably did not understand, but which others concerned did understand full well. I had seen the occasion upon which friendship did in more than one instance deem it prudent to desert me. But I had read and heard something before about the stability of human friendships, and I had never been guilty of supposing that human nature would change its character for me. The compliment to the students was justly their due. For they had withstood a most ingenious and laborious attempt to ruin me in their estimation.

An attempt, the baseness and the cunning of which betrayed its origin to me, as plainly as it it had borne its name in capitals upon its front. An attempt upon their hearts through the medium of their understandings — sophistry pimping for envy. But the crawling passions of selfish subtlety often stumble over the *generous* feelings of human nature, upon which they found no calculation, because they cannot comprehend their existence.

Youth is generous, and although the majority of the students were made to believe that I was a sort of devil incarnate in politics, (about which I could not talk to them,) yet they never could be persuaded to believe that I was the ignorant impostor in literature, which in so many painful pages was undertaken to be proved for their edification.

The last two years of my life have indeed brought home to my bosom the good as well as the bad workings of human nature in a multitude of forms, and they have all confirmed me in the belief that the safest guide for human conduct is integrity. I have inflexibly followed my own sense of duty, relying upon my own understanding. I have lost many friends and have made many enemies. Some of the friends that I have lost are deeply to be regretted, and most

[1] Adams, *Lectures on Rhetoric and Oratory*, II. 396.

of the enemies that I have made are of the most inveterate kind, "foes who once were friends." But on the other hand, some enemies have been converted into friends, and many new, unexpected and active friends, have risen around me, while the others were falling off. But the students at college are not the only steady friends that I have had. There are more than one further advanced in life, whose confidence in me has remained unshaken through good report and evil report.[1]

This very pointed reference to his position escaped the attention of Samuel Cooper Thacher, who wrote the not unfriendly review of the Lectures printed in the *Monthly Anthology* in April, 1810. The first and the last paragraphs of the review were objected to by the Club, on account of the mention of politics, but were retained by the casting vote of the Vice-President, Kirkland.[2] Thacher wrote, and without doubt represented the general view: "We have indeed no wish to disguise our sentiments on the political career of Mr. Adams. We have, on this subject, no sympathy with him whatever. We see and lament that the orb of his political glory has become dark—

> Irrevocably dark, total eclipse:
> Without all hope of day.—*Samson Agonistes.*"

He excused this expression, "lest the praise we may be bound in justice to bestow, should lose its value by being supposed to proceed from political friends." And at the close of the review the writer lamented that Adams had turned from the walks of literature, had abandoned "the laurels which he might have gained without a rival, to gather a barren and withering chaplet of political renown." He applied to him the lines of Goldsmith, as a man

[1] To *Thomas Boylston Adams*, at sea, August 7, 1809. MS.

[2] Mr. [Samuel Cooper] Thacher . . . then read a most delightful long review of J. Q. Adams's Lectures, which was received by all with decided approbation; but the first paragraph and the concluding sentence of the last was objected to, on account of its mention of politicks. A discussion ensued, on the propriety of retaining these passages, when Mr. [Joseph Stevens] Buckminster and Mr. [William Smith] Shaw were for striking out, and Mr. [William] Tudor [Jr.] and Mr. [James] Savage for retaining. A vote was taken, when there appeared three for each side, and the Vice President [John Thornton Kirkland] gave it for retaining." *Journal of the Anthology Society* (Howe), 225. Shaw had received and seen through the press Adams' letter to Otis, and Kirkland was the author of the life prefixed to Fisher Ames' *Works*, of which Adams had written some severe criticisms.

whose genius is such
We scarcely can praise it or blame it too much;
Who, born for the universe, narrows his mind,
And to party gives up what was meant for mankind.[1]

A position taken so carefully, and maintained under such trying conditions, left no room for regret, either at the time or later. Adams never gave the slightest indication of entertaining the thought that he could have acted otherwise. With his correspondents he was full and frank.[2] He had been governed by a sense of public duty: "dictated by principles more durable in their nature than the passions of individuals or the prejudices of party, I confidently trust that it will eventually be estimated at its true value by the general sentiment of my country."[3] Three years after the event, in 1811, he wrote to his brother:

This state of affairs is also calculated to turn back my reflections upon myself. It has led me to review my own public conduct in past times, and to consider my prospects and my duties for the future. You will already see that I find in it an additional justification to my own mind for the part I took in relation to our foreign affairs, during the last session of Congress in which I held a seat in the Senate. My principle was one which no result of events could possibly shake. But in respect to *policy*, I always considered the embargo as justifiable on no other ground than that its only alternative was war. This opinion from the necessity of the thing was conjectural. It is even now not demonstrable that war would have followed without it, but if war comes from the same operative causes as I believed would have produced it then, I shall certainly consider my reasoning at that time as more completely sanctioned by the events, than I could if it should not ensue.[4]

[1] *Monthly Anthology*, VIII. 268.

[2] See his letters to Ezekiel Bacon, in *New England Federalism*, 127.

[3] "My conduct as a public man, having been invariably and exclusively governed by a sense of public duty, I cannot but be gratified that it has met your approbation. Dictated by principles more durable in their nature than the passions of individuals or the prejudices of party, I confidently trust that it will eventually be estimated at its true value, by the general sentiment of my country. To the merit of good intentions it is entitled. To that of zeal for the preservation of our national union and independence, it has a claim equally just. The rest is in the judgment of others, and I shall cheerfully leave it to the deliberate decision of the Nation. Union and independence are the Herculean pillars of my political system, and if they shall ever fall, I am content to fall with them, or to say 'Sistimus hic tandem, ubi nobis *defuit orbis*.'" To *Samuel Cleveland Blydon*, July 13, 1808. MS.

[4] To *Thomas Boylston Adams*, July 31, 1811. MS.

Twenty years after he had thus been driven from the United States Senate, and when he was preparing to leave the presidency under quite as humiliating conditions, these very Federalists who had disowned him in 1808, now in 1828 sought to discredit him beyond remedy. The *Appeal of the Massachusetts Federalists* is well known, and for nearly half a century was regarded as the last word upon the contest of 1808, as an irrefutable, because unrefuted, arraignment and condemnation of Adams. Adams did, however, prepare a reply, but for many reasons never published it. Not until 1877 did it see the light, under the title of *New England Federalism*, 1800–1815. Its note is still Union and Independence. "To resist and defeat that system of measures [urged by the Federalists] has been the greatest struggle of my life. It was that to which I have made the greatest sacrifices, and for which I have received, in the support and confidence of my country, the most ample rewards." To resist and defeat — let us measure the words by results. In resisting he was crushed by Pickering so completely that no one looked for a restoration of political activity or even opportunity for public service. Pickering, the victor, continued unchecked his career of ambition — until the signing of the treaty of peace at Ghent, one of the signatories being this overthrown John Quincy Adams. At the very time when those of the Pickering faction believed they were about to gain its ends, the Ghent treaty overthrew its structure, defeated its schemes, and dishonored its agencies. Not since that time has there been a defender of the Hartford Convention. The *Life of Timothy Pickering*, published 1867–1873, is a deserved tribute to his career as a soldier, politician and statesman; yet it is not sufficiently full in what was one of the strongest features of his activities. An ardent and able controversialist and eager to secure the success of his policies, he conducted a voluminous correspondence of which but a part was included in the *Life*, so that much of his best and most characteristic writings are yet to be gathered. This deficiency should be made good, by the publication of his writings in every field of his varied and active career.

To return to Adams' defense of himself prepared in 1828, but not published until 1877. Our colleague, John T. Morse, a grandson of one of the Federalists who signed the Appeal,

in the highest terms praises this reply: "Full of deep feeling, yet free from ebullitions of temper, clear in statement, concise in style, conclusive in facts, unanswerable in argument, unrelentingly severe in dealing with opponents, it is as fine a specimen of political controversy as exists in the language. . . . Happy were the thirteen that they one and all went down to their graves complaisantly thinking that they had had the last word in the quarrel, little suspecting how great was their obligation to Mr. Adams for having granted them that privilege. One would think that they might have writhed beneath their moss-grown headstones on the day when his last word at length found public utterance, albeit that the controversy had then become one of the dusty tales of history." And in a note he adds: "It is with great reluctance that these comments are made, since some persons may think that they come with ill grace from one whose grandfather was one of the thirteen and was supposed to have drafted one or both of their letters. But in spite of the prejudice naturally growing out of this fact, a thorough study of the whole subject has convinced me that Mr. Adams was unquestionably and completely right, and I have no escape from saying so. His adversaries had the excuse of honesty in political error — an excuse which the greatest and wisest men must often fall back upon in times of hot party warfare."[1]

Such were Adams' political beliefs and actions at this crisis in his career. Twenty years after his preparation of the reply to the Appeal, and after a memorable service in the national House of Representatives, in which Union had ever been his rule of conduct, he died and became subject, at the hands of the well-meaning, to that summary of private endeavor and public service that is inflicted upon our public characters. Theodore Parker, himself not unacquainted with the penalties of independence, prepared a discourse on the event. What curious twist of mind led him to speak of the vote on the embargo of 1808, in which country had been put before both party and self, in the following terms: "His vote [for the embargo] however unwise, may easily have been an honest vote. To an impartial spectator at this day, perhaps it will be evidently so. His defence of it I cannot think an honest

[1] Morse, *John Quincy Adams*, 219, 220.

defence, for in that he mentions arguments as impelling him to his vote which could scarcely have been present to his mind at the time. . . . To my mind, that is the worst act of his public life; I cannot justify it. I wish I could find some reasonable excuse for it. . . . This, though not the only instance of injustice, is the only case of servile compliance with the Executive to be found in the whole life of the man. It was a grievous fault, but grievously did he answer it; and if a long life of unfaltering resistance to every attempt at assumption of power is fit atonement, then the expiation was abundantly made."[1]

In such manner was the recall applied to John Quincy Adams in 1808. To measure its public consequence one moment should be given to his successor. Who was James Lloyd? The question was asked at the time, and by one who, it is presumed, knew his political Massachusetts. Dearborn wrote to Dr. Eustis, June 16, 1808:[2]

> Who is Mr. Lloyd that has been elected a Senator in the place of J. Q. Adams? Is it the man who was here the last winter, who I understood was concerned in the new buildings between Long wharf and Fort Hill? Is he known by any body out of Boston? Why did they not elect Josiah Quincy, he has certainly been as zealous, and made as many motions in Congress, as any man they could send, and has on all occasions discovered as strong a disposition to serve his party, as any man with his tallents could do? And pray, why not prefer him to Mr. Lloyd, who must be a new man, as I can find no one who ever heard of him before we received the account of his election as Senator?

Lloyd was born in 1769, the son of a physician who had been a "mild" loyalist during the Revolution. He sought to obtain from the British government some compensation for the losses he suffered because of his loyalty, but his claim was rejected. The son entered Harvard College, and graduated in the same class with Adams, and at the age of seventeen. He bore the reputation of being a good scholar and a hard student; but an only son, he had been over-indulged, and a quick, passionate temper and a certain arrogance of manner made him unpopular with his fellow students. He became a mer-

[1] Parker, *Discourse occasioned by the Death of John Quincy Adams*, 27, 29, 31.

[2] From a MS. in the possession of Mrs. Charles S. Hamlin, who courteously permitted me to use it.

chant, passed the year of 1792 in St. Petersburg, and returning to Boston entered public life, serving in both houses of the General Court. In 1806 he had prepared the State memorial to the President asking that the hands of Monroe at London be strengthened by a special mission. When he saw that his political friends were intent upon electing him United States Senator, he wrote to Otis:

MY DEAR SIR, — I am extremely unwilling to run counter to the wishes of my political friends, to defeat their plans, or embarrass their proceedings. These considerations alone induce me to forbear attending the meeting this evening and making known my determination. An acceptance of the office of Senator, with the intention of preparing myself properly to execute its duties, I should consider as tantamount to a sacrifice of every thing valuable to me in life. The only condition therefore, on which I will consent to be a candidate is, that I should be at liberty to resign the appointment *when* and as *soon* as I please. This I beg of you to communicate, and also to substitute some other candidate in my stead — i. e. if this be not done. I feel no doubt of my election, and this conviction increases and must apologize for the urgency with which I address you. A bad head-ache prevents my seeing you in person. I am very Respectfully

Your Obedt. Sert.

J. LLOYD, Jr.

Wednesday eveg., June 1, 1808.[1]

Honble Mr. Otis, Chairman of Federal meeting of the Members of the Legislature.

He was given no time in which to prepare himself, for the resignation of Adams called him at once into service. He represented the moneyed interests, and had been concerned in that banking movement of 1803 which Adams had not opposed, but had endeavored to free from jobbery. After a period in which two banks had sufficed for Boston, a new institution was projected, in which, it was rumored, a part of the stock had been set aside for members of the General Court. This was so obnoxious to Adams that he insisted that a full list of the shareholders should be submitted before the committee reported. The charter was later granted, and a course of bank creation and note-issues followed that in six years brought disaster. Lloyd's knowledge of commerce, it

[1] I owe this letter to the courtesy of Samuel Eliot Morison, of Boston.

was thought, would be serviceable in Washington, and though a moderate Federalist, he was acceptable to Pickering, and at least would do nothing to antagonize his colleague. The situation was that later pictured by Webster as the proper representation of Massachusetts in the Senate — one of her very best lawyers, and one of her most eminent merchants.[1]

In the Senate his career was judicious but without distinction, and he resigned in 1813. In 1814 he stepped into a transient prominence by an appeal addressed to him by John Randolph against the Hartford Convention, then about to meet; and it was Lloyd who replied that Madison should be coerced into retirement by his friends, and Rufus King be placed in the Presidency. Out of this exchange of letters grew a correspondence between John Adams and Lloyd, of which the Adams part has been published. He again returned to the Senate, on the resignation of Harrison Gray Otis, and served for four years. The last years of his life were spent in Philadelphia. He always showed respectable abilities, but it is hardly possible to assert that the recall in 1808 gave a better man for the place.

The following letters are drawn from the Adams MSS.:

### James Lloyd to John Adams.

Sir, — I have the honor to acknowledge the receipt of your respected letter.[2] For the interesting details which it contains be pleased to accept my thanks, it will afford me some compensation for the repugnance under which I felt myself in a degree constrained to enter into a public political correspondence, that it has produced to me information from a source from whence I might not otherwise have obtained it, and the intelligence and correctness of which cannot be questioned.

With regard to the relative and political circumstances of the United States at the time of the missions to France, I possessed no very minute personal knowledge. I had not then entered into public life, and could of consequence have retraced that era, only from a remembrance of the feelings and the records of the day, and from an occasional expression of the sentiments of some of those persons who were more immediately connected with the events, and actors in the scenes of that period.

I am well aware however that in most political movements of importance, the secret springs of action are frequently more operative

[1] *See* p. 159, *supra*. [2] Printed in *Works of John Adams*, x. 108.

than the ostensible ones, and as has been said on a different occasion, the progress of the horseman can of necessity only be proportioned to the speed of his horse, and that especially must this be the case, in a Government so essentially dependent on public opinion, and so liable from this and other causes to sudden vibrations as that of the United States. Still as I have believed, that an existing Government is generally found on trial to be more powerful than was expected, I had hoped if the administration referred to, had continued the vigorous and spirited conduct it had assumed, and which I always understood *emanated principally from yourself*, that it might have carried by its own impulse the Nation along with it, and a happy result have been the consequence; but I am not only willing to admit this may have been a fallacious expectation, as most certainly it would have been, *had the public credit become as prostrate*, and all national feeling as callous, as they seem to be at the present moment, but I can also very truly assure you, Sir, that I should receive more gratification from learning, that what I had considered as a mistaken policy, had resulted from a concurrence of circumstances which it might have been unwise, perhaps impracticable to have resisted, rather than as I had before supposed from a deliberate course of measures flowing from a less imperative and controlling influence, — for I have too little reliance on my own opinions, pertinaciously to close my judgment against those of others, or to attempt to defend them when I may be convinced, they have been formed from hasty and erroneous conclusions.

One of the few consolations with regard to my own political life which I enjoy is, that while receding from it, I have carried with me no feelings of personal animosity towards any human being with whom it has brought me into collision, and I can assure you, that sentiments of a very different description have been entertained by me towards yourself, even from a contemplation of the former periods of your life, when you principally assisted in laying the corner stone of the independence of your Countrymen, and in giving birth to an empire, whose destinies I should delight to hope, might as yet emerge with splendor, from the dark and lugubrious clouds, which at present so distressingly shroud and envelop them; and also from your conduct at a still earlier period when you nobly breasted the torrent of popular passion, by shielding from the effects of a highly-wrought public indignation, and from the aspirations of revenge, a man, who whatever might have been his merits or demerits, as an individual on the occasion for which he was arraigned, undoubtedly acted either in conformity with a sense of his official duty, or the orders of his superiors.

As little, Sir, unless I have been extremely unhappy, unwittingly to myself in the expression of my opinions, can it be supposed that I would willingly trammel the fortunes of our Country with the vicissitudes of any permanent European alliance. It is true, that feeling a disposition in resenting the conduct of an Aggressor, to consider the *quo animo* of the Assailant, as much as his means of annoyance, I may have thought differently from yourself as to the power which merited our first attention; yet had the Nation been in a due state of preparation, and its Government in the hands of those who could control, and would direct, its resources efficiently and honestly, with a single view for the benefit of the whole, for the attainment of both reparation and security. and with a probability of success, my feeble voice would not have been withheld, had it been required for the support of any measures which would have avenged the wrongs, and obliterated the insults that have been heaped upon us by several of the Powers of Europe, during that momentous period which has occurred since the erection of our Government, and the commencement of the French Revolution. The latter event seems now however, at least for a time, to have passed away, and if history should hereafter bear evidence, that it has buried along with the atrocities it engendered, that destructive alienation and contention, which it has been in a great degree instrumental in producing and sustaining in our Country, we may in our retrospect of its effects, derive some benefit mingled with our regrets, from the severe lesson it will have taught us for the future.

By your expressions of ancient regard for the deceased members of my family, as well as for the dispositions you have had the goodness to express towards one of their few remaining descendants I acknowledge myself to be both highly gratified and indebted, and I beg you to be persuaded it would be a source of much satisfaction to me, should the latter not only be continued but increased.

With sentiments of great consideration I have the honor to be, Sir, Your very Respectfully obliged and Obedient Servant,

JAMES LLOYD.

BOSTON, February 6, 1815.

J. Lloyd has the honor to acknowledge the receipt of the letter of Mr. Adams, numbered 2, under date of the 6th current.[1]

The justification of "the missions to France" noticed in that letter Mr. Lloyd has never read, but will shortly advert to them with equal readiness and impartiality. In "a field of controversy" with Mr. Adams it was not, nor is it now, his design to enter. When putting on the armour of a combattant, his object was, by performing

[1] *Works of John Adams*, X. 114.

an act of justice, to volunteer his services as a friend, and not as an opponent. If in this wish he has failed, it ought, and can alone be imputed, to the ignorance and mal-adroitness, but not to the disposition or intention of the auxiliary.

Mr. Lloyd with much satisfaction presents his congratulations to Mr. Adams on the pleasing and unexpected news of the day. He does this with the greater alacrity from the conviction, that no conditions of peace inconsistent with the interests or the honor of the Nation, would have been accepted by the American Commissioners, among whom he has no doubt, Mr. J. Q. Adams has had a distinguished influence; and he avails of this opportunity to remark, that of the conduct of that gentleman while at St. Petersburg, both as it respects his standing at the Imperial Court, and his attention to his countrymen, he has heard but one sentiment expressed, that of unqualified respect and approbation.

Mr. Lloyd intends at a less inclement season of the year having the honor personally to pay his respects at Quincy, when Mrs. Breck and Mrs. Lloyd will also wait on Mrs. Adams, of whom they frequently make mention in terms of the most respectful remembrance, and with regret that a nearer vicinage does not exist between them, in order that they might be enabled to enjoy more frequently the pleasure of her society.

Mr. Lloyd offers to Mr. Adams the Sentiments of his high and most respectful consideration.

BOSTON, February 13, 1815.

SIR, — I had the honor the last evening to receive your obliging letter of the 21st current.[1]

With the correspondence with which you have favored me, I should suppress my own sentiments without a motive for concealment, did I not acquaint you that I have been both pleased, and informed — pleased with the independence of spirit, and vigour of intelligence, and freshness of recollection, which that correspondence eminently manifests; and informed by a correct narration of the secret history of an important political period, which I had before known, only by its more obvious and ostensible outlines. Nor am I the less gratified by the opportunity it has afforded me, of judging of the character of the late President of the United States, from the fervent emanations of his own mind, rather than from the discolored vision of others.

In the first mention of "St. Domingo and South America" in your letters as connected with the sources of supply (real or imagi-

[1] *Works of John Adams*, x. 126.

nary) for the then increasing expenditures of the United States, I had considered it intended, merely as an illustration of the destitution of ways and means to prosecute an extensive and distant warfare; but from the renewed reference to those objects, I perceive something more is meant than has yet met my eye, but I do not wish to impose a tax upon your kindness in the developement of it, further than may be both acceptable and perfectly convenient to yourself. Probably it might furnish a clue to an enigma I have never been able to resolve — the object of creating a large army for the purpose of waging war against France.

Supposing naval expeditions for the purpose of permanent territorial acquisition to be wholly out of the question, situated as we then were, or now are, for an abundance of unanswerable reasons, I confess in such a war, I could never distinctly discern, the policy of raising a greater military force than would have been sufficient to keep alive the tone of public sentiment, by garrisoning the prominent fortifications on the Seabord, supplying the needful number of marines for the Navy, and leaving a residue, adequate to afford a germ for the future military establishments of our Country, when other occasions might call for them.

Not so, Sir, with that branch of national protection which you have termed your hobby, but which ought to be considered as furnishing one of the strong evidences of your patriotism and discernment, in the selection, encouragement, and promotion of this comparatively cheap, and radical, and only effectual preventive defense of the Nation, and for the support and extension of which in any way, under any circumstances, and indeed in time of profound peace, reasons may be found as plenty as blackberries, and had they been listened to, and acted on, might I have believed at a former period, be found fully equal to the security of our commerce, and also under the existing circumstances, to have scourged France (intangible as she was to us in most points) into a greater respect, and better conduct than she subsequently manifested, and which with the appropriation of one third part of the expenditure, that has been for the greater part unprofitably, if not idly wasted during the last three years, might at the present moment, *on our own Coasts, and in their immediate vicinity*, have controuled the Navy of any other nation in the world, and bid defiance, ridiculous as the opinion has been pretended to be, even to the Colossal Maritime Power of Great Britain.

For the perusal of the letter you were pleased to enclose to me, I am much indebted and offer you many thanks; you may be perfectly assured a knowledge of its receipt, or of its contents has rested

and will rest, exclusively with myself. It is returned under cover lest you should have an early occasion to reply to, or otherwise use it.

I fully enter into, and appreciate the feelings and wishes of the Writer, placed as he was, and which are very honorable to him.

At present I happen to be much occupied, but from the very cursory consideration I have given the subject, I have taken a somewhat different, and perhaps less correct, though I regret to state, not more grateful view of the points adverted to, than that of this very able Negotiator. In the course of the ensuing week I hope to be more at leisure when I will have the honor to address to you a few brief remarks on the principal topicks to which the letter refers.

And in the mean time, With sentiments of increased estimation And great respect, I am, Sir, Your obliged and obedient Servant

JAMES LLOYD.

BOSTON, February 23, 1815.

SIR, — In a former note returning the letter[1] with which you had obligingly favored me, I had the honor to offer you my congratulations on the termination of the war, without waiting to know what were the grounds of the Treaty which concluded it; because from the tenor of the previous correspondence, and my personal knowledge of nearly all the Commissioners, I felt a reliance, that the arrangement would not be a dishonorable, altho' I acknowledge my rejoicing was mingled with fear lest it should be, at least in some points, a disadvantageous one; and this expression of feeling I volunteered with the more readiness, as the intelligence was received at a moment, when the national character had been splendidly illustrated by the recent atchievment at New Orleans.

But I greeted the occurrence with smiles, principally, not because I expected it would bring, or restore to us all the benefits we possessed under former treaties; but because I saw no chance but from this source, of happier prospects for the future; it was not however the storm that howled along the Lakes, or upon the seabord, that created the apprehensions of an instant, for the fate of the contest, but it was the hidden fire that was rumbling within our own bosoms, and which under a continuance of the war, would I believe have made our Country the theatre of domestic convulsions, as well as

[1] Two days after the signing of the treaty of Ghent, John Quincy Adams wrote to his father on the contest for the liberty to fish and to dry and cure fish within the exclusive British jurisdiction without an equivalent. The letter was shown to Lloyd, who prepared this reply. It is printed in part in Adams, *Duplicate Letters, the Fisheries and the Mississippi*, 210, but is now given for its intrinsic value.

of foreign warfare, and perhaps from its effects, have offered up some parts of it, as no very difficult prey to the mercy of the enemy.

On this head I know, Sir, you had better hopes, and thought differently from me, and I have now only to say I am glad the experiment has never come to issue.

As the price of the purchase of an escape from evils portentous as these, I considered it as probable, that the English Government might claim from us, the contested Eastern Islands, and interdict all trade between us, and her colonial possessions; and possibly still further, that she would endeavor to extort from us the Coast fisheries around her own shores; for on the magnanimity or friendship of Great Britain, or of any other Nation in matters of interest, I confess I never had the ability, to lash my imagination into any sort of dependance; but I did also cherish the belief, that none of our essential or important rights or *liberties* would be diminished or surrendered. Of the latter, the one of the greatest consequence in reference to its intrinsic value, and as derived from discovery and possession, and confirmed by a formal treaty stipulation, is unquestionably that to which you have referred, the Coast Fisheries on the shores of the British possessions in North America.

These fisheries, as most advantageously secured to the United States by the treaty of 1783, and made at the time, as I have always understood, a *sine qua non* of that treaty, principally by one of our then ministers, offer an invaluable fund of wealth and power to our Country; one which has never been duly attended to, nor justly appreciated, but which if continued and improved, was destined to grow with our growth, and strengthen with our strength, and at no very distant day to extract the cream of the trade as well as the fisheries, and to render in a great measure dependant upon, if not tributary to us, all the British Atlantick possessions upon this Continent.

In reviewing the recognition of this *liberty*, for the Inhabitants of the United States, to fish without limitation of time, on all the Coasts of Newfoundland which British fishermen *shall* use, and also on the Coasts, Bays, and Creeks, of *all other*, His Britannic Majestys Dominions in America, and with the exception of the Island of Newfoundland, to dry and cure fish, on the said shores, wherever unsettled, or where settled, with the approbation of the Proprietor or possessor of the soil; it is difficult to suppress a homage of respect, for the talents and prescience of the Negociators on the one side, in obtaining the recognition of such a right or liberty, or of surprise at the heedlessness or obtuseness of those on the other, in acceding to it, except under the pressure of some great necessity.

This *liberty* is in fact, looking at it in its naked state, and such in time of general peace it would have shortly proved itself to be, granting to a young, an increasing, a powerful and rival Nation, the ability to moor within a cables length of the shore, a cordon of foreign vessels around the seabord of the British Provinces of engrossing the better part of all the wealth they possessed, and setting at defiance the revenue laws, both of the Mother Country and the Colonies: for that vastly the larger part of the fisheries, as well as the more valuable of the supplies of these provinces would have found their way through this line of circumvallation, was as certain to happen, as the regular appearance of the American fisherman on their Coasts.

The prosecution of these Coast and Bay fisheries, altho' it had already become extremely advantageous, had undoubtedly reached in a very small degree, the extension and importance it was capable of attaining. The unsettled state of the commercial world for the past twenty years, and the more alluring objects of mercantile enterprise which such a state of things evolved, served in point of immediate consideration and attention, to throw these fisheries into the background; but still until first checked by the system of embargoes and restrictions, and finally stopped by a declaration of war, they were silently, but rapidly progressing, and reaching an importance, which altho' generally unknown to our Country and its Statesmen, had become highly alarming to the Governments, and more wealthy Merchants of the Provinces, and was beginning to attract the attention and jealousy of the Cabinet of Great Britain towards them.

The shores, the creeks, the inlets of the Bay of Fundy, the Bay of Chaleur, the Gulf of St. Lawrence, the Straits of Bellisle, and the Coast of Labrador, appear to have been designed by the God of Nature, as the great Ovarium of fish; the inexhaustible repository of this species of food, not only for the supply of the American, but of the European Continent. At the proper season, to catch them in endless abundance, little more of effort is needed, than to bait the hook and pull the line, and occasionally even this is not necessary. In clear weather near the shores myriads are visible, and the strand is at times almost literally paved with them.

All this was gradually making itself known to the enterprise and vigilance of the New England fishermen, and for a few seasons prior to the year 1808, the resort to this employment had become an object of attention from the Thames at New London, to the Schoodic; and boats and vessels of a small, as well as larger size, were flocking to it from all the intermediate ports of the United

States. In the fishing season, at the best places for catching the Cod, the New England fisherman, I am told, on a Sunday swarmed like flies upon the shores; and that in some of these years, it probably would not be an over-estimate, to rate the number of vessels employed in this fishery belonging to the United States, at from 1500 to two thousand sail, reckoning a vessel for each trip or voyage, and including the larger boat fishery; and this number if the fisheries were continued, would shortly be still further, and very greatly extended.

The nursery for seamen, the consequent increase of power, the mine of wealth, the accumulation of capital (for it has been justly observed that he who draws a cod-fish from the sea gives a piece of silver to his Country,) the controul over the British North-American Provinces, the effect upon the trade and customs of the parent country, and the corresponding advantages to the United States, of which the enlargement of such an intercourse was susceptible, (for the stock of fish appears inexhaustible) you are much better able to conceive than I am to describe; but I with pleasure point them anew for your consideration, as on many accounts presenting one of the most interesting public objects, to which it can be devoted.

Lucrative however, and imposing in its individual and national bearings as this fishery was, and was to become, it was little known to the leading men of our country, and little spoken of by others even in Massachusetts, or among those who were actually engaged in it; and a knowledge of its existence, in any thing like its real extent, or future capability, was perhaps confined to not more than a dozen heads, (if so many) in the whole of the Southern and Western, and even middle divisions of the Union.

The causes of its value and importance, not being a matter of greater notoriety here, are obvious, — it was an employment not only in the fishery, but in many instances undoubtedly in *trade*, and in an illicit trade with the British Inhabitants, in which independently of the dread of competition, one of the inherent attributes of Commerce, publicity was most carefully to be avoided; those therefore who were engaged in it, made no unnecessary promulgation of their employment, while their co-adjutors, the poorer Inhabitants of the Provinces, tasting equally its sweets and advantages, were alike disposed to keep silence with regard to it. But not so situated were the Provincial Governments, and the more wealthy of the Merchants of the sea-port Towns. They had become highly alarmed at the expansion of this fishery, and trade; jealous of its progress and clamorous at its endurance. The former saw their own consequence abridged, their Revenue intercepted, their people alienated,

envying the privileges and advantages of a neighboring nation, which their own systems would not permit them to enjoy, and witnessing their famous navigation act, the sheet anchor of their commercial supremacy, rendered in its local operation at least, a dead letter. They therefore of late years have repeatedly memorialized the Government in England respecting the fisheries carried on by the Americans, while the whole body of Scottish adventurers, whose trade both in imports and exports, and controul over the Inhabitants it curtailed, have turned out in full cry, and joined the chorus of the Colonial Governments, in a crusade against the encroachments of the Infidels, the Disbelievers in the Divine Authority of Kings, on the rights of the Provinces, and have pursued their object so assiduously, that at their own expense, as I am informed from a respectable source, in the year 1807 or 8, they stationed a watchman in some favorable position near the Straits of Canso, to count the number of American vessels which passed those Straits on this employment, who returned nine hundred and thirty-eight as the number actually ascertained by him to have passed, and doubtless many others during the night or in stormy or thick weather escaped his observation. And some of these Addressors have distinctly looked forward with gratification to a state of war, as a desirable occurrence, which would by its existence annul existing treaty stipulations so injurious as they contend to their interests, and those of the Nation. With what degree of correctness this expectation has been entertained the future must determine, but unfortunately these murmurs and complaints reached England and were industriously circulated, about the time that our restrictive measures, inefficacious at best and rendered still more so from never having been fully executed, awakened an unusual and critical attention to the commercial connexion between the two Countries; and probably the value and importance of this branch of it, is now at least as fully understood, and appreciated, on the eastern as on the western side of the Atlantick.

Carried away by first impressions a large part of mankind become not unfrequently the dupes of misconception, and adhere to their opinions with a pertinacity proportioned to the time they have entertained them; from a source something like this, it has been, and is generally, I might almost say universally believed by the mass of our countrymen, that the right of fishing on the Banks of Newfoundland, or as it is popularly called, the *Grand Bank*, was the great boon acquired, as it respected the fisheries, by the treaty of 1783. While unquestionably the fisheries of the Banks of Newfoundland, no more belonged exclusively in possession, or

the right of controul, either to Great Britain or the United States than the air of Heaven is the patent property of both, or either of them, with the power to dole out its use to such other Nations, as agree to conform to the stipulations they may please to prescribe for its enjoyment, — if any thing was gained or secured on this head, it undoubtedly was, the *Coast fisheries* on the shores of the British Provinces. This is the fishery which will now come under discussion at least, if not into contest between the two countries. It is highly important that correct ideas of its value and extent should be entertained; and perhaps these could not be more perspicuously traced than by taking a relative view of it, compared with the mode of prosecuting and the importance of the *Bank fishery*. This I will now briefly attempt, confident if in doing it I should be reiterating to you the communication of facts, of a knowledge of which you are already in possession, the motive will bring along with it its own sufficient apology.

*The Bank fishery* is carried on in vessels generally of from 70 to 90 ton, burthen, and manned with eight or ten men each. They commence their voyages *early in March* and continue in this employment until the last of October, in which time they make *two and sometimes three fares to the United States, bringing their fish home to be cured.* The produce of these trips if successful, after paying the shoresmen the expense of making or curing, generally furnishes *a sufficient quantity of dried fish to load the vessel for Europe.* These vessels employed in fishing, require cables of from 160 to 180 fathoms in length, they must always keep their sails bent to the yards, so as to be ready in case of accident to the cable, or to any of those adverse occurrences to which tempests, or the casualties incident to anchoring nearly in mid-ocean must expose them. They purchase salted clams for bait, which they procure at considerable expense and take with them from the United States. They fish night and day when the fish bite well, which is not always the case, and haul their cod in a depth of water of from 45 to 55 fathoms. After catching, they head and open the fish, and place them in the hold in an uncured, and consequently in some degree in a partially perishing state, and after having obtained a fair or freight, return with it to the United States to be cured or dried and prepared for exportation; but before this is done, or they can be landed, the fish is always more or less deteriorated, becomes softer, and part of it makes an inferior quality of fish, called Jamaica fish, which is generally one third less in price than what is considered as merchantable fish. And the proportion of this Jamaica fish is much greater than it would have been, had the fish been dried and cured shortly after having been taken, as is

the case with the Coast and Bay fishery; in addition to which, these vessels employed in the Bank fishery are unavoidably obliged to prosecute their business with a great comparative expense as to the wear and tear of their vessels, and loss of time, and with an increased degree of hazard, both as to safety and success.

The Coast, and Labrador fisheries, are prosecuted in vessels of from 40 to 120 tons burthen, carrying a number of men, according to their respective sizes in about the same proportion as the vessels on the Bank fishery. *They commence their voyages in May*, and get on the fishing ground about the 1st of June, before which time *Bait* cannot be obtained. This Bait is furnished by a small species of fish called *Capling*, which strike in shore at that time, and are followed by immense shoals of Cod-fish which feed upon them. Each vessel selects its own fishing ground, along the coasts of the Bay of Chaleur, the Gulf of St. Lawrence, the Straits of Bellisle, the Coast of Labrador, and even as far as Cumberland Island and the entrance of Hudsons Bay, thus improving a fishing ground reaching in extent from the 45th to the 68th degree of North Latitude.

In choosing their situation, the fishermen generally seek some sheltered and safe harbour or cove, where they anchor in about 6 *or* 7 *fathoms* water, unbend their sails, stow them below, and literally making themselves at home, dismantle and convert their vessels into habitations at least as durable, as those of the Ancient Scythians. They then cast a net over the stern of the vessel, in which a sufficient number of Capling are soon caught to supply them with bait from day to day. Each vessel is furnished with four or five light boats according to her size, and number of men, each boat requiring two men; they leave the vessel early in the morning, and seek the best, or a sufficiently good spot for fishing, which is frequently found within a few rods of their vessel, and very rarely more than one or two miles distant from it, where they haul the fish as fast as they can pull their lines, and sometimes it is said, the fish have been so abundant as to be gaft, or scooped into the boats without even a hook or line; and the fishermen also say, that the Cod-fish have been known to pursue the Capling in such quantities, and with such voracity, as to run in large numbers quite out of water, on to the shores.

The boats return to the vessels about 9 o'clock in the morning at breakfast, put their fish on board and salt and split them, and after having fished several days, by which time the salt has been sufficiently struck in the fish first caught, they carry them on shore, and spread and dry them on the rocks or temporary flakes. This routine is

followed every day, with the addition of attending to such as have been spread, and carrying on board and stowing away those that have become sufficiently cured, until the vessel is filled with dried fish fit for an immediate market, which is generally the case *by the middle or last of August*, and with which she then proceeds immediately to Europe, or returns to the United States. And this fish thus caught, and cured, is esteemed the best that is brought to market, and for several years previous to that of 1808, was computed to furnish *three fourth parts* of all the dried fish exported from the United States.

This fishery was also about that time taking a new form, which would have had a double advantage both in point of profit and extension, for some of our merchants were beginning to send their large vessels to the Labrador Coast and its vicinity, to receive *there*, from small fishing boats they employed, or purchased from, cured fish, to load their vessels with immediately for Europe; thus saving so great an expense in getting the fish to market abroad, as would in a short time have given our merchants a command of the European markets, and would have also afforded an encouragement, to a small but very numerous boat-fishery, which from receiving the pay for their labor on the spot, could not fail to have been very greatly excited and increased; and enabling the persons concerned in the exportation from the coast, to receive at home the proceeds of their adventures from abroad, about as early as the *Bank fish* could have been put into a state, fit to be exported from the United States. In addition to which we were prosecuting a very productive salmon and mackerel fishery in the same vicinity, as most of the pickled fish of this description, we had received for some years prior to the war, were caught on those shores.

This *Coast fishery* then, most highly important and invaluable as I think it must be admitted to be, even from the foregoing hasty and imperfect sketch of it, merits every possible degree of attention and effort for its preservation on the part of the Government of the United States. The refusal of the British Commissioners to renew, or recognize the stipulation of the treaty of 1783 respecting it, and the notification, I hope not formally given, that it would not hereafter be permitted without an equivalent, are alarming indications in reference to the future peaceable prosecution of this fishery, and of the dispositions of the British Government with regard to it.

The difference of expression used in the third article of the Treaty of Peace of 1783, as to the *right* of fishing on the Banks of Newfoundland, and the *liberty* of fishing on the coasts of the British Provinces

in North America, however it might have originated, affords a diversity of expression, which in the present instance will be seized upon, and be made to give to the Partizans of Great Britain, and of the Provinces, a popular colour of justice in support of their argument, when they contend, as I think they probably will do, that in so important a compact, this variance of language could not have been a matter of accident, — that if precision in the use of terms in their most literal sense, is any where to be expected, it is certainly to be looked for, in an instrument which is to form the paramount law between two nations whose clashing interests have brought them into collision, and which is generally framed by men of the most distinguished talents of each party, the acuteness of whose perception is always kept in full play, by the contending pretensions they have respectively to consult and sustain, and that therefore a distinction was made, and was intended to be made, at the time of the Negotiation between *a right* derived from the God of Nature, and to be exercised on the common field of his bounty, the great high-way of Nations; and the *liberty*, permission, or indulgence, as they will phrase it, to continue the exercise of an employment on the coasts, at the very doors, and within the peculiar and especial jurisdiction of another Nation, — the one, according to this doctrine, being a right inherent, and not to be drawn in question, the other a sufferance open to modification, or denial altogether, subsequently to a war, according to the will or the interests of the party originally acceding to it.

This *liberty*, for the expression of the treaty, in the discussion between the two nations must be admitted, whether it operate adversely or favorably to us, rests for its continuance, either as we assert, on the ground of right, as an anterior possession and a perpetual franchise, or as the British will contend on the existence of the treaty of '83. The first ground is to be supported on the view taken of it in your own letter, and that which you had the goodness to communicate to me — and even on the second, admitting, *pro forma*, that a declaration of war, does *ipso facto*, abrogate all previous treaty stipulations brought into contest by it, unless tacitly or expressly renewed by a new treaty, to be an acknowledged principle of international law, still the right in question would I believe rest untouched, and unaffected; altho' I know not, with what degree of decision or determination, the negation of a future use of the Coast fisheries was brought forward in the negotiations at Ghent by the British Commissioners.

But while on the one hand, the coupling the offer to treat for a renewal of the liberty of the Coast fisheries for an equivalent, with a

proposition to treat for a renewal of the right of the free navigation of the Mississippi also for an equivalent, unless as has been suspected, they were made with the insidious purpose of obtaining an admission that both had already ceased to exist, shews the confidence they would wish to appear to entertain, in the soundness of their position, that the war had extinguished both the right and the liberty; for the former, the free Navigation of the Mississippi, if force of language and repetition are to have any weight, could not well have been placed on a stronger basis,— it being very expressly and explicitly contracted for, in the treaty of '83, recognized in that of '94, and again mentioned in a provisional article in 1796: still on the other hand, the omission in the new treaty, to state that the treaty of '83 had expired, or been annulled, and a reference having been made to it in several instances, is a yet stronger evidence that they *did* consider that treaty as remaining in existence, and of consequence entitled to respect and observance, in all such of its provisions as had not been specially contravened in the new treaty.

A liberty was recognized by the treaty of 1783 for the Inhabitants of the United States to prosecute the fisheries on the coasts of British North America, with the exception of the Island of Newfoundland; not only where the parties had been accustomed to use them, but where British fishermen not only *did*, but might thereafter, (that is subsequently to the date of the Treaty,) prosecute them, and this *right*, for it had now become *a right of liberty, or use*, demanded by the one party, and admitted and acknowledged by the other, was wholly without limits as to its duration, and could then only cease, or the limitation take effect, on the happening of one of three events, that is, by the surrender of the party possessing the right: the annulment of the Treaty which confirmed it, or by an usurped, and an unjustifiable exercise of power on the one part, in defiance of the right, of the other, and in violation of those common principles of good faith which can alone regulate the intercourse between nations. But the surrender of this right has not been made, and will not be made by the United States, and the Treaty of 1783 has not been annihilated by the existence of the war, because the Parties have not only, not agreed to abrogate it, but have expressly referred to it, and in the Treaty of Ghent made a provision to carry the stipulations as to boundaries of the Treaty of '83 more fully and completely into effect. Now it being an uncontroverted principle of the law of evidence, that the whole must be admitted, if a part is received, unless some reciprocal and mutual agreement exists to the contrary, and as no such stipulation does exist in the present

case, the Treaty of 1783 is as I should contend, even by the shewing of the British Commissioners themselves, still in existence, with all the rights and liberties incident to it, and of consequence with the full, and free use, to the Inhabitants of the United States of the fisheries, as formally recognized, and secured, to the United States by that Treaty.

This is the construction, whether to be supported on this ground, or any other, which I hope the Government of our Country will maintain — it is a right most highly important to the eastern section, and indeed to the present, and future naval, and commercial powers of the United States, and should the British Ministry, or the Colonial Authorities attempt to interdict this fishery, as I think they now will, to the Inhabitants of the United States, the Government ought, and I trust will take, the most prompt and effectual measures, to obtain and enforce a renewal, or recognition of this right as it has heretofore existed. It is a gem which should never be surrendered, nor can it ever be abandoned by any Statesmen alive to the interests of their Country. Compared in its consequences with a free right of navigating the Mississippi, it is even a much more unequal stake, than would be "six french rapiers imponed against six Barbary horses."

The right of navigating the Mississippi since the acquisition of Louisiana, and the possession of both sides of the River by the United States; and when the difficulties of the ascending navigation are considered, and the jealousy and inconveniences which the subjects of Great Britain must experience from attempting to avail of it, can be of little value to her, except as in its higher branches, and on the Missouri, it may facilitate the prosecution of the fur trade. This trade however altho' it employs a large number of persons never has been very important to the nation, and must from the operation of unavoidable causes gradually lessen and in the course of a few years probably recede altogether from the great rivers. She has therefore, notwithstanding the opinion of two of the American Commissioners, and her own probable pretensions of fairness, given up nothing in point of value compared with the fisheries, which upon the same ground she is undoubtedly desirous of fortifying herself in withholding.

In compliance with the intimation you had given me, I have commented on this subject at much greater length even than I had contemplated at the outset, perhaps too minutely, when I recollect, that a part of it at least must be so much better understood at Quincy than by myself; but the account of the recent state of these fisheries, and the mode in which they were prosecuted I thought might not

be unacceptable to you. My information with regard to them has in general been derived from respectable sources on which I can rely, never having had any direct interest or concern in the fisheries myself. I have not attempted to apply the principles of public law to the questions respecting them, because the few books of this description which I possess are still at Washington, and since the rising of the Council I have not had time to make any research elsewhere; and because I presume this part of the business will be placed under the hands of those who will have both the means, and the ability to do it ample justice.

I had intended also in reference to the Treaty of 1814 to have made some few remarks on the interdiction it may occasion of a trade between the United States and the British Ports in India, and on its operation upon the contested boundary on our north eastern frontier, so far as regards the right of possession, to the Islands of Dudley, Moose, and Frederick in the Bay of Passamaquoddy. I have however already so unduly trespassed on your patience, that I will only not omit noticing them altogether.

Both these objects attach to them some importance, but compared in point of value with the possession of the fisheries, perhaps in a ratio not much greater, than the bullion in the Mint at Philadelphia would bear to the ore in the mines of Peru.

If it be true, as it undoubtedly is, that in the absence of treaty stipulations every nation has a right to controul or interdict altogether to others a trade with its own Dominions; then this trade to British Ports in India, the agreement respecting it in 1794 having expired by its own terms, is perfectly within the regulation of the Government of Great Britain without any reference to our wishes, our profit, or advantage. It has gone, by our omission to renew the treaty of '94, under which it was prosecuted with benefit, and was beginning to afford a new emolument to us, by our availing of the *letter* of the Treaty, which allowed a trade from British India, to "America," to prosecute a trade between Bengal and the Spanish and Portuguese ports in *South America*. This was a trade not contemplated at the time the Treaty was made, and the liberty to engage in it is not possessed by the English East India Company under its charter; but had Mr. Jays treaty been continued or renewed, I know not how the British Government, or the Company, could have got clear of the construction which permitted it to vessels of the United States.

The direct trade to our own Ports, was advantageous to us, altho' principally carried on with specie, inasmuch as it gave employment to our large ships, to the most respectable of our navigators, and

the best of our seamen, as it consumed and took off considerable quantities of our provisions, and besides supplying us with cheap fabrics for domestic use, furnished us also with many important articles of export, which in small parcels, but in the aggregate to an important amount, eventually found their way to So. America, the West Indies, the Mediterranean and the North of Europe. We were also gradually feeling our way, and becoming possessed of a knowledge of some articles of export from hence, which the loftiness or the laziness of the Companys servants had over-looked. And although specie formed the principal part of the capital of these voyages, popular opinion to the contrary notwithstanding, this circumstance to my view, offered little or no objection to it; for I have no belief that such a trade in specie can be injurious to a country, until the drain of it becomes so excessive, as materially to advance the price of the precious metals, in consequence of the abduction of them, and when this is the case the disease will bring its own remedy, the trade will immediately stop of itself, because the profits on it have not been so large as to allow of its prosecution at any great additional expense.

But as this trade to the British Ports in India furnished revenue to the English Government, — money and animation to the native manufacturers — as we generally received goods of a less valuable fabric than those prepared for the India Company; and as even in the opinion of some of the Governors General, I believe Lord Mornington and Lord Cornwallis, this trade was profitable to the English as well as ourselves, it is not improbable, after the fit of ill-humour may have passed away, that it will again return to us, from a sense of their own advantage in renewing it; without discovering *trop d'empressement* for its attainment, any opening for securing it on a treaty basis, should be embraced, as nearly on the terms of the treaty of '94 as may be practicable; for the voyage is both too distant and expensive to be undertaken upon occasional licences, or to depend upon the will or caprice of the local authorities in India.

The contested Islands in the Bay of Passamaquoddy, are valuable to us, as now possessing a population of from 2000 to 2500 persons, and as affording greater facilities than the Main in prosecuting the trade in Gypsum, or Plaster of Paris; of which there were received from thence in some years in vessels of the United States about 30,000 Tons, being three quarters of the whole quantity taken from the Bay of Fundy where it is principally found. The Islands are also valuable, from enabling us the better to carry on a boat fishery, principally in *Pollock*, a fish well adapted for the West

India market, and which are caught in great quantities in the currents near those Islands. But the points of this subject must be now well understood, as they have been under consideration in the papers, and between the State and General Governments, and the British Government and its Provinces, nearly since the peace of 1783, for the discussion respecting them began I believe with Governor Hancock in 1786, and has been continued under every administration of the General Government until the present.

When at Washington I had made this subject a topick of inquiry, supposing it might come within the scope of my official duty to attend to it, but I will not now dilate on it. It is a question of right, not to be governed by the received principles of National Law, where Rivers form boundaries, but by the fair construction of the Article which refers to it in the Treaty of '83, and lies I think in a nut-shell. If the ancient charter of Nova Scotia granted, in 1621, the jurisdiction exercised antecedently to the commencement of the Revolutionary War, and the old Maps of the Province can be brought in evidence in support of the British claim, the question is I think decided at once. If these things cannot be done, the Islands belong to us.

The English view of the subject has been more distinctly stated in a work of Nathaniel Atcheson printed at London in 1808, than in any other publication I have seen.

Feeling persuaded that in avowing the hope that all these objects may be disposed of in such a manner, as best to confirm the rights, and secure the interests of the United States, I shall unite fully in sentiment with yourself.

I have the honor to remain, Sir, with great consideration Your very Respectful and Obedient Servant

JAMES LLOYD.

BOSTON, March 8, 1815.

SIR, — I have the honor to acknowledge the receipt of your respected and highly interesting letters of the 6th[1] and 9th of the present month with their enclosures; the latter of which I now return.

While obliged by their communication I feel reluctant at trespassing so largely upon your time and retrospections, and beg leave again to reiterate the request, that you would not call them into exercise for my use at any other times than may be grateful to yourself. You will also permit me to assure you, that the transmission of original

[1] *Works of John Adams*, x. 134.

papers can in no case be necessary, except it may be for the purpose of avoiding the trouble of recapitulating their contents, a quotation or reference by you, Sir, to any such documents would carry with it as entire a conviction of the authenticity of them, as if they had been signed in my presence.

Your description of the character, and talents and views of Miranda is I believe perfectly correct. I saw him on his visit to the United States during the Revolutionary War, but never met him afterwards, and altho' I was at that time only a school-boy, the powerful impression he made on my mind is even now as vivid as if I had seen him within a twelvemonth. I think were he living and to pass me in the street I should recognize him at this day. He appeared to me as the most extraordinary, and wonderfully energetic man I had ever seen. I happened to be alone with my Father in his parlour when Miranda called on him, where he rivetted me during his visit, and to this hour I recollect very distinctly the two topics of his conversation, the one, doubtless his darling theme, was the prospect of revolutionizing the Spanish provinces of South-America; the other, an expression of his disgust at the degree of liberty possessed by the People of this Country, and the abuse of it which he had witnessed at some turbulent popular election in one of our Southern Cities, I believe at Baltimore. While commenting on these subjects with great vehemence of enthusiasm and severity of denunciation, and in a rapid impassioned and commanding eloquence, with his whole frame in motion, and pacing the room with giant strides, he presented to my juvenile imagination, a new and apparently more elevated sample of the human character, and seemed capable of leading a People impatient of their Government, and ripe for its Subversion to any deeds of daring to which his ambition might direct them. From this strongly fixed remembrance, I followed for a time the account of his career with great interest. When he entered the Service of France in the command of one of the divisions of the Army of Dumouriez, I pictured to myself the brilliant role he was about to play, and when arrested I expected his course would have terminated on the scaffold, and knowing also his sentiments of Republican Governments, I had no great doubt but he might fully have deserved to do it. Both expectations were however erroneous, his army acquired nothing but disgrace, and he personally escaped from the guillotine. Before his last expedition from the United States he had sunk greatly in the public estimation, but if he at that time retained even the shadow of his former characteristics, the dastardly issue of it must have disappointed the coldest and least sanguine of his followers.

For a perusal of his well-written letter, and the precise and perspicuous translation which accompanied it, I am much obliged. I regret the trouble which the latter occasioned, as I could have read the original with facility.

The mention of the projects of Miranda, as they respected Great Britain, the United States and South-America in Mr. Bristed's hints on the bankruptcy of Britain, had escaped my notice or remembrance; at its publication, the author whom I personally know politely sent me a copy of his work, but I had not recently perused it, having indeed considered it useful, from its multifarious collection, rather as a book of occasional reference, than as demonstrating the dogma it was intended to establish. The source from which I think he derived his information, would corroborate, if any further confirmation were necessary, the existence of the projects which were contemplated by some leading American politicians of the period to which it refers; and those views to the mind of an enlightened Statesman I very readily admit, would independently of the obvious considerations of justice, very properly afford a subject of mature deliberation to determine, how far it might be expedient even on the score of future policy, for the United States to cooperate in the aggrandizement of one of the Great Belligerents, in stripping and plundering a third party, by entering into a war with its antagonist, and in furthering the attainment, and in some degree diverting an opposition to the accomplishment of its objects; especially if the basis for the prosecution of the expedition promulgated by Bristed was the correct one, from which it would seem, little was to enure to the United States, but the honor of becoming one of the Dramatis Personae of the Tragedy, — of keeping the Floridas if they could, after they had taken them; and of furnishing its contingent of military force in a war both of invasion and conquest, for the benefit of the finances, and the manufacturers of Great Britain.

The morality of the transaction would unquestionably have been pretty much the same in '98 as in 1810 or '12, and the doctrine in both cases approximates a little too nearly to that which was attempted to be made the prop of the recent orders in Council to find an advocate in your present correspondent.

At the moment of concluding this letter your favor of the 12th has reached me. On the subject to which it relates, I have had for many years but one impression, without however possessing any particular knowledge of the circumstances connected with the negotiations which eventuated in the treaty of Peace of 1783, and with the narration of which I am obligingly furnished by your

letter; that understanding was, and still continues to be, that we were wholly indebted to Mr. Adams for the recognition and security of our right to the fisheries, a fact which is generally, I believe almost universally admitted in New-England, and which may I hope ever be held in honorable and grateful remembrance by his countrymen. This sentiment was in a former letter expressed in a less unqualified manner, because in a prior one from yourself Mr. Lawrences[1] name was coupled with the subject, and of the extent of his participation in it I was then ignorant. He is certainly entitled to the credit of having been open to conviction, of possessing integrity and manliness enough to support his opinions, and of being a party to the capitulation; but in the merit of having fought the battles which led to it, he can claim no share.

With continued and very great respect I am, Sir, Your obliged and most obedient Servant

JAMES LLOYD.

BOSTON, March 14, 1815.

SIR, — Availing of the permission you have accorded to me I have to acknowledge the receipt of your several favors from the 26th to the 31st current[2] — the three enclosures covered by the former of them, I have now the honor to return.

The original letters in the *Patriot*, relative to the missions to France, or the pamphlet publication of them, I have never read. Part of them were published during my absence from Boston, and to which circumstance, as well as to my not being a subscriber to that paper, it may in some measure be attributed, that they escaped my attention; and I am also ready to admit it, it may probably have been owing, to their having first appeared through a channel, not within the pale of the prevalent political church in Massachusetts, (of which I am a parishoner, if not in all respects a communicant), that they did not attract more of observation, and remark, within the small circle of my association. Not that I mean to have it inferred, that they could have appeared through any different ephemeral medium; for I fully admit the existence, as well on the one side as the other, of that narrow and illiberal interdiction of the press requiring a party imprimatur to give currency to any political sentiments it may publish, which both yourself and Mr. Randolph have so justly recognized, and reprobated. For the offer of that publication I am obliged, but I will not trespass upon your indulgence for it, as I can without doubt, and shall within a few days have access to it, either in the Pamphlet, or on the files of the *Patriot*

[1] Henry Laurens. [2] *Works of John Adams*, X. 139–152.

at the Athenaeum; an institution which does great credit to one of your connexions Wm. S. Shaw Esq. and which is also enriched, as I have been informed, by a very valuable collection of books belonging to your Son.

Thus I again revert, Sir, a little too shamelessly perhaps you may think, to that sin of IGNORANCE, which so easily besets not only the mass of our Countrymen, but myself, and to which I fear I should have to plead guilty when brought to the bar, even to the extent which my opponents might be disposed to urge against me.

To almost every political occurrence there is more or less of secret history, and the friendly familiarity with which you have been pleased to address me, will I trust excuse, if not warrant my obtruding a little of it, on you in the present letter. Feeling gratified by the developements, and the fluent display of both antient and modern learning, rendered still more interesting by its adaptation to recent events, and the circumstances of our country, which your correspondence has not, and could not well fail to display, I had from the beginning distinctly marked out to my own mind, the course which it would be equally grateful and proper for me to pursue, even in the discussion of topics, on which my own sentiments should not precisely conform, probably to the better founded opinions you might entertain: this course dictated to me to receive with much respect any communication you might be pleased to make; to avoid altogether the language and the feelings of a disputant; and to bear in mind what I have never felt any temptation to forget, that I was addressing one who deservedly ranked very high, among the most eminent of the Founders of the Liberty, the *Patres Conscripti* of his Country, and this I was happy to notice was the course very frankly and honorably proferred to me by yourself in one of your late letters.

To revert after this exordium to the secret history of the unimportant occurrence to which I have before referred, you will permit me to observe, that on the receipt of Mr. Randolph's published letter, viewing it as a manifesto to the Public, probably principally calculated for the meridian of Virginia, rather than as an address to me individually, and feeling an aversion from other occupations, or from apathy or indolence, and from a reluctance to get engaged in political epistolary squabbles, I had determined not publicly to reply to it. Personally I perceived nothing that required my doing it. But altho' I had come to this decision I did not rest wholly satisfied. He had in some degree be-littled that Section of the Country to which I more immediately belonged, and he had wantonly

gone out of his way to make an attack on a Gentleman in my estimation alike venerable for his age, and estimable for his public services, and to whom I felt indebted for a very handsome and volunteer attention, rendered doubly grateful to me from being offered at the same time that he probably ranked me among the number of his political opponents.[1] Thus I remained restless under my own silence, until a piece which appeared in one of our papers, stating that, "possibly the Gentleman to whom Mr. R. had addressed his letter might not feel it incumbent on him to become the champion of New England, and that possibly he might not like to enter the lists with an adversary so powerful in the use of the weapons of satire, etc." — caught my eye casually some days after its publication, and immediately reversed my determination. From the existence of these feelings, and this accident, the public have been taxed with the perusal of a long letter, and I am indebted to it for the present correspondence, for some notice and harmless misrepresentation in the public prints, to which I have paid very little regard or attention; for a letter from a General Officer, and also one from a Lady, who probably derived some relief from the expression of feelings, not towards me, which it would have done her quite as much honor, not to have entertained, or have suppressed.

In publishing a reply in the news-papers little excuse I am aware ought to be derived from the haste with which it was written, for altho' it was written hastily and in some respects even negligently, it certainly did give, and was intended to give, the honest and nearly unvarnished impressions of my mind at the moment, but if the expressions it contained in relation to the missions to France have wounded your feelings as I fear they have, it is a subject of regret to me. In your last letter, you tell me, Sir, that after the publication of your letters in the *Patriot*, you did not expect that a slur would be cast upon those missions by any man *of honour and intelligence*, on the latter point, that of intelligence, in this immediate instance I certainly cannot avoid to join issue — *coram judice hic est* — and I must abide the sentence of the Court. But after observing that a greater degree of sensibility appears to have been excited, than perhaps the occasion required, I must be allowed to state, that I cannot perceive how *honorable* feelings can have been in any degree outraged, or even implicated in this question, — following your example in illustration, let me ask, how stands this case, Sir? A leading political measure of a great Public Functionary becomes a subject of discussion, and of contrariety of sentiment in the public estimation. On the one side the expediency of the measure is doubted,

[1] The reference is to John Adams.

or to take the strongest ground, is absolutely and unreservedly condemned, by a man little known, and perhaps little conversant with the minute history of the period to which it relates, and who does not take the trouble to assign even a single reason for his opinion, and this too, at the same time and with the same ink, with which he expresses a general respect and confidence in the authority from which that measure emanated; thus is one side of the question situated, I cannot say supported; on the other, the measure is adopted by the highest organ of the Nation, is supposed to have been successfully carried into effect, and is elaborately sustained by a detailed appeal and exposition to the Public by its author, an *habile* and veteran Statesman in nearly a hundred pages; — what must be the result of such a collision of sentiment, where the disparity of authority, and the means of judging, are like a mountain to a mole-hill, it is almost needless to ask. One or two things must inevitably exist: either, the comparatively rash political Tyro, must submit to pay the forfeit of his ignorance or presumption; or, the measure itself is not so firmly based, upon a recognition of that general and immoveable fitness, which its advocates from a reliance on their own perceptions and convictions may suppose it to be; but let the weights perponderate as they may, I cannot discern how the discussion of a topic which implicated no man's motives, nor impeached any one's integrity, and which after seventeen years have passed away must stand upon its own merits, tested by its effects, can be considered as mingling any thing *dishonorable* in the opinions which have been formed with regard to it.

My sentiments respecting the missions to France owed their durability, probably in some degree to my respect for the source from which they emanated, and that source was yourself, Sir. The excitement which existed in the Northern States in 1798 flowed scarcely from any other fountain, and delighting in its exhibition, I could not, (while unadvised of the clogs and discordance of the domestic machinery of the Government) well reconcile it to my belief, that so able and experienced a Politician, whose acquaintance with the vibrations of popular opinion had been too intimate, and too long continued, to suffer him to mistake the meteors of the night for the appearance of Aurora, would have sounded the tocsin of alarm, and awakened a Continent to Arms: unless he had first been thoroughly certain of the ground on which he built his System, and been convinced of his own power and ability, opposition notwithstanding, to have carried his measures into effect. I had hoped and believed, perhaps biased by my wishes, that this might have been won by a steady adherence to the same policy: but it was not

the actual collision with France merely as France, that I considered as of material importance, for situated as the parties were to each other, this must have been very transient and unfrequent, but it was the incidental and attendant circumstances that presented many charms to my contemplation, collision however rarely it presented could occur nowhere but upon the water, and of its issue I felt no doubt; the privation of an intercourse with France, situated as she was, could be of little importance, and to compensate for that, our national feelings and pride of character would have been called into action. Our naval establishment especially, I had hoped might have been preserved and extended by it, for of its future extension and application I have no anticipations but brilliant and welcome ones; for not expecting before the arrival of the Millenium, which is to convert into one great Paradisaical family, all the members of the human Race, that the passions will cease to operate, or the Lion lie down with the Lamb, I confess I had much rather have the United States, in good hands, play the rôle of Judah, than that of Issachar, a strong ass crouching between two burthens, and by a due application of the ultima ratio, as occasion might require, becoming themselves Lords of the Ascendant, instead of sinking into the submissive dupes, of the jealousy, the intrigue, or the contumely of any other Powers. But that all this, a persistence in the war with France, as the ground work of these results, might have been difficult, perhaps impracticable to have effected, your forcible description of the state of our Governments and of the Country at the time, furnish very powerful evidence — this state of things was undoubtedly the material obstacle in playing out the game; the Miranda episode could I think have had very little effect upon any decision connected with it; for I should imagine that no man, whose grade of intelligence was superior to that of the Chiefs of Noohaheevah, could have counted on it for a moment, as the basis of any important national position.

The articles of association between Sucre, and Salas, and Miranda, with which you have favored me, I have perused with equal attention and amusement, but I cannot reconcile it to my belief, that such a man as William Pitt, who sustained his own system, good or bad, through a period of unexampled difficulty, and with an extent, if not violation of principle, which no British minister since the revolution of 1688 has dared to attempt, could seriously listen to such skimble skamble stuff as the propositions of Sucre and his associates, — the agents of the Junta, of Deputies, of the Cities, and Colonies of South America, who re-assembled in such numbers at Madrid (in neither of which places could they have whispered a

syllable of a revolutionary project, but at the expense of the heads that uttered it,) as to make it important that they should receive a report at an early day from Paris, in order that these Deputies might separate at Madrid and disperse themselves, over the immensely extended provinces of South America, in order there to prepare a grand and simultaneous revolutionary explosion! That these famous *soi-disant* Delegates, accredited by no signatures but their own, should agree to open the navigation of the Lake Nicaragua, and to unite by the Straits of Panama, the Pacific and Atlantick Oceans, form a connexion between the Bank of Mexico and that of England, to support the latter, and should undertake to pay Great Britain not only an adequate subsidy for her military contingent, but also gratuitously to present to her a sum in metallic medium, equal to the extinction of a considerable part of her National Debt, when these propounders and bountiful contractors could probably with difficulty muster money enough among themselves to pay the bill of their washerwoman, presents such a tissue of absurdities, as to make it at this day hardly creditable that any man of common sense could attempt to dupe his political contemporaries with it. Possibly Mr. Pitt if he ever gave any encouragement to the project, might have over-estimated the extent of disaffection which existed in the Spanish Colonies, and been willing to have amused Miranda, and not to check its progress, in order that if it attained any head, he might avail of it for the depression of the old continental Powers and the advancement of Great Britain; objects, to which British Statesmen have long been sufficiently alive. Possibly even, he might give a courteous and significant reception to any hints respecting it from the American Minister; instruct his Jesuits to put the mine in train, and be very willing, while his own remained perdue, to let the American Government commit itself in the project.[1]

To me, the whole scheme appears inferior only in simplicity, and about upon a par, with the magnificent proposition of Doctor Thornton of the Patent office, at Washington, whom perhaps you may recollect: which was, that we should conquer and over-run all South America, unite the two Continents in one Grand Republican Government, to be placed under the surveillance, and legislation, of a Congress of Deputies from all the Cities, and all the States, not only of South, but also of North America, who should hold a permanent sitting on the top of Mount Chimborazo, twenty thousand feet above the level of the Sea; no doubt expecting, that their deliber-

[1] *See* Robertson, "Francisco de Miranda and the Revolutionizing of Spanish America," in *Report of the American Historical Association*, 1907, I. 189.

ations, *pour le bonheur du genre humain*, would be sublimated in a ratio, proportioned to their elevation above the ordinary regions of mortality.

I agree with you entirely, Sir, that a state of peace, if to be preserved without the sacrifice of important rights or interests, and an exemption from intimate European connexions form the leading features of the policy of the United States in their foreign relations; they are doctrines which when occasion required I have never failed to advance, but I acknowledge I do not accord with you in opinion, that we should look towards France as our natural ally under almost any circumstances; natural alliance must spring from something like natural affection, or if this is too literal, from intimate connexion, or if still a more remote definition be preferable, from a reciprocity of interests and services. Now upon none of these bases does it appear to me, that a strict union between the two countries can be cemented. The difference of language, of religion, of habits, must nearly as effectually prevent an amalgamation of their feelings, as if the People of the one nation were black, and the other white. In war, on our own soil we are, or ought to be, and if we are not foreign alliance would not make us so, the dominant Power over any force that could be brought against us. Her assistance on the shore we therefore do not want, and ours to her we could not give, if she required it.

France is not, and cannot be for many years, if at all, an essentially great Naval Power. She may renovate her resources and hereafter have money to build ships, and she may build them, but she has not colonies to any considerable extent, she has not the fisheries, the mercantile spirit, her People have not the habits, Nature has denied them the harbours that would create seamen, and make her speedily a very important maritime nation; as a long period probably must elapse, before the distractions of the British Empire will again paralize her supremacy or permit France to shew her head in any force upon the waters; on the ocean therefore she can afford us but little assistance, on that element we must depend upon ourselves for our protection, and if a knowledge of this necessity should quicken our exertions in preparing the means of doing it, we ought to hail it as a blessing.

In commerce with France, we can have no very intimate connexion, happily situated herself, with a fertile country, a good climate, and an industrious, cheerful, and economical population, she has few wants either of convenience or luxury that we can supply, nor has she any thing to give us in return worthy of our acceptance, — her Brandies, her Silks, or her smuggled watches and laces, would

neither improve our health, invigorate our persons, nor amend our morals.

France has with us no irradicable principles of civil liberty imbued in her existence, as I trust we have in ours. After five and twenty years of Revolutionary spasms arising from the corruptions of her former Government, and attended too with circumstances of great horror and suffering, her People sit down as quietly, and as debonair, under "Le Roy le veut" of Louis le Desiré (comme on l'apelle,) as under that of Lewis the XIVth. There is therefore no common lien, no mutual bond of attraction subsisting between the two nations to ensure their affection, or unite their interests in any thing like a natural, or beneficial permanent alliance, a temporary one undoubtedly we shall have when the circumstances of both Powers relatively to others may render it eligible.

It is true France assisted us in our Revolutionary struggle, for which I am willing to be grateful to her without cavilling at the motives from which that assistance originated, but that contest has passed away forever, similar exigencies never can again occur. It is true also that it may be for the interest both of France and the United States to controul and keep in check the paramount pride and power of Great Britain, but located as the Parties are, even in this effort France and the United States could render each other but little assistance. If attained at all it must in a great measure be effected by us *single* handed, and were it even needful that we should follow the example of the Romans and teach our oarsmen their duty by rowing in the sand, if the power of the country were steadily and judiciously directed, I should not despair of the ultimate accomplishment of the object. In addition to all this I confess to you, Sir, so far from considering France as a natural, or if you please, an Honest Ally for this Country, that "timeo Danaos et dona ferentes," has had both a long, and powerful influence on my mind, and I have seen nothing from the conduct of the Compte de Vergennes at the peace of 1783 to the present moment to remove it.

Our Constitutions of Government no one is better able to appreciate than yourself. Like other human productions they have their defects, and without any reference to the idiotical clamour about Royalty, which no man unaccomodated with a blister and a straight waistcoat can for a moment suppose to be adapted to this country, I think I should be very willing to leave those defects to your amendments, if you had the power to carry them into effect, and even as these constitutions at present exist, I have little doubt, if administered honorably, nationally, and not locally, upon the broad principles of public good, and not of party predominance, that they may

be made to contribute to the welfare and prosperity of the Country. And altho' I do not agree with the Poet who tells us,

> For forms of Government let fools contest,
> That which is best administered, is best,

yet I should be very sincerely glad to find our own so well administered, as to put all contest with regard to it at rest forever.

Requesting you to pardon this long letter which I have endeavored ineffectually to make shorter, and for which I may probably gain a better reception, by assuring you that it is not my intention to make a future similar trespass upon your patience,

I have the honor to be, Sir, very truly Your Respectful and Obedient Servant

JAMES LLOYD.

BOSTON, April 7, 1815.

I take the liberty to enclose a very excellent essay on the right of the U. S. to the fisheries which has appeared in a Connecticut paper, and which perhaps might not otherwise meet your eye.

At the moment of closing this letter your obliging favor of the 5th has been handed me. The enclosures it contained I will return under a separate cover tomorrow.

Respectfully, J. LL.

J. Lloyd has the honor to return with his respectful compliments, the papers received in Mr. Adams' favor of the 5th inst.[1] Of Baptiste Irvine he has no knowledge except that he is an imported Illiminatus, benevolently working for the instruction of the benighted Inhabitants of the United States, who fulfils his vocation with about the same degree of zeal and scurrility as have been manifested by many of his Compatriots, and that he exercises, this his métier, with as little discretion, as on his appearing in the gallery of the Senate Chamber shortly before Mr. Ll. left Washington, to expose himself to a justly deserved, and well-applied, parliamentary castigation from Mr. Crawford, the present Minister of the U. S. at Paris.

April 8, 1815.

Mr. Lloyd has the honor to acknowledge the receipt of Mr. Adams respected favor of the 22nd current and the interesting enclosure it

[1] *Works of John Adams*, x. 155. Irvine wrote as editor of the *Whig*, a Republican daily paper issued in Baltimore, Maryland.

communicated from Colo. Smith.[1] None of the inhabitants of the United States are entitled to more of the respect of the American Republic, than the Citizens of New York, for the enlightened, and patriotic regard, they give to the extension, and expansion, of those unrivalled advantages, which the bounty of the giver of every good gift has either accorded to them, or placed within their easy attainment.

On this head Mr. Ll. had intended to have dilated more fully, but he has delayed it until he is on the point of leaving town for Rhode Island for a few days and will not retain the letter of Colonel S. until his return.

Future Generations will witness the City of New York as the central point of an immense chain of water communication from Hudsons Bay to the Gulf of Mexico, flowing through regions of unbounded wealth and power and of countless numbers, and along with it, may also witness the American Republic, or its successor, the Mistress not only of the Ocean, but of the World.

The news of the day creates much speculation. That the military mania and talent of the effective part of the French nation should induce it to prefer King Stork to King Log, is perhaps not incredible, but the *dénoûment* of the drama appears too complete for the time of its enacting.

Mr. Lloyd has the honor to present to Mr. Adams his most respectful compliments.

Boston, April 27, 1815.

## To John Quincy Adams.

Boston, July 26, 1822.

Dear Sir, — It was only on my return yesterday from a long journey of eight weeks to Lake Erie, that I received your favor of the 15th inst., which but for this circumstance would have been replied to immediately on its reaching this place.

It so happens, that a copy of the letter to which you refer, is not at the moment in my possession, but I will not delay writing you, until I can procure and revise it. The letter was not written with any anticipation of its publication, and probably therefore, with less attention as to its style, and possibly also, as to its arrangement, or some of its expressions, than it would have received, had a different destination been contemplated for it.[2] Such however as it is, it is

[1] William Stephens Smith.

[2] The letter on the fisheries, p. 380, *supra*. No revision appears to have been made.

freely, in whole, or in part, with the name of the writer, at your command, in any way in which you may deem it expedient to use them, in the controversy in which you are now engaged, or for any other purpose.[1]

In reference however to the former, I have heard but one opinion, which is, that without any additional auxiliary testimony, it can eventuate only in the demolition of your opponent.

Having incidentally mentioned my tour to the Lakes, I will not forbear briefly to state that it has been the most interesting journey of my life, having performed it, somewhat at leisure, and rested for a few hours at many of the most prominent points on the route. In the prosecution of it, I nearly followed the course of the most magnificent *National* work, with reference to internal improvement, and future usefulness, which has to my perceptions, strong as the assertion may appear, ever been undertaken; I mean the Great Western Canal, and with the desire of obtaining a better knowledge of which, and of the Country it penetrates, I took the advantage of being transported on its waters about sixty miles in one of the canal boats now in operation, at the rate of four miles in the hour without the variance of as many minutes, including the ascending and descending locks, to pass through each of which, required a space not exceeding in any instance six minutes.

This noble improvement intersects a country, fertile in many parts of it as that of Flanders, and improving in richness and beauty as you recede from the seabord; rapidly settling and becoming ornamented, with Towns and Villages, chiefly springing up under the active and intelligent enterprize, industry, and economy of a New England population, carrying with them, the excellent habits of their ancestry, and displaying in their proud coat of heraldry, the honor of their descent, by shewing, that the steeple, and the school-house, wherever they go, are still among the first, and most anxious objects of their protection and their efforts.

Utica, Auburn, Geneva, Canandaigua, Batavia, Buffaloe, and Rochester, are very flourishing settlements, which would even now stand a fair comparison with nearly any other Towns in our Interior, the two latter I think being destined at no very distant period, to contain large trading communities, and the first named of them, probably to become a great city. While the Metropolis of the State, may in the course of perhaps not more than half a Century, even numerically vie, with its great European commercial rival; for by that time, scarcely a surplus bushel of wheat will be grown, or a barrel of provisions packed, within fifty miles of the Canal, or the

[1] Adams' controversy with Jonathan Russell.

smaller Lakes, or of Ontario, Erie, Huron, Michigan, or Superior, with the immense Countries and water courses with which they are connected, but will be wafted to its warehouses, and made tributary to its growing greatness. For so impressed am I, of the incalculable importance, of this inland water communication, I have a full confidence, that even in ten short years, in the season of transportation, this main artery of agriculture, and of commerce, which gives to the farmer five hundred leagues distant from his ultimate market, nearly all the facilities of him, who is resident within twenty miles of it, with many advantages with regard to soil and expense which the latter cannot possess, and which abundantly compensate the increased cost of transportation which must be incurred; will be bridged with boats, laden with produce, from Lake Erie, to the Hudson.

But gratifying as these anticipations are, they were not the most exhilarating views, which the scene presented, those which exceeded them, and cherished a pride which every one delights to nourish, arose from the developement of the resources of our Country, and from seeing, that even at this period, one twenty-second part of it, possesses within itself, materials of greatness exceeding those of several modern empires.

Still another view was yet more imposing. It was the indissoluble chain of *interest* with which this Canal connected, and bound together, the rich Countries of the West, with their hardy, and I have ever thought, frank, and generous (and hereafter dense) population, with those on the Atlantic, and which would make it as impracticable, until endless numbers, and wealth, deterioration, and corruption, should have undermined all our principles and institutions, to remove one pillar from the support of that splendid dome which o'ershadows us, as to uproot the foundations of the earth.

And in this view it was, that I have called this work a *National* one, for by whomsoever its expense is borne is immaterial, in its effects it can be nothing less.

Praying you to excuse these remarks which the subject that has most recently occupied my mind has elicited, and which crude, and hasty as they are, I shall be much mistaken in my estimation of your character, if they will not be in some degree acceptable to you,

I am with sentiments of great respect,

Your Obedient Servant,

James Lloyd.

## To JOHN QUINCY ADAMS.

December 25, 1824.

DEAR SIR, — In making the reference which I did the last evening, to the restriction from trading with the natives of the N. W. Coast in spirituous liquors, arms, and munitions of war, contained in the Convention with Russia, I was induced to do it, by the apprehension, that it would deprive the merchants of the U: S: of their most alluring articles of traffic with the Indians on the "unoccupied part of the Coast;" that as all the important fur trade on the coasts of the Pacific, is prosecuted north of 51° N. L. it would nearly deprive us of that traffic altogether; and that as Great Britain had not become a party to this Convention, what would be abstracted from us, would be thrown into her hands, and go far to give her a virtual monopoly of that valuable commerce.

My intention was to have asked you, had the occasion permitted, whether, as in the communications from Mr. Middleton,[1] it is stated, that Great Britain is willing to accede to this arrangement, it might not be expedient, for the Senate to ratify the fifth article contingently; that is, to take effect whenever a like provision should be agreed to by Great Britain; which if I correctly understand Mr. Middleton, he expected would be the case before this period.

Had it been practicable, it would have been much better had the article been wholly omitted in the Convention, but as it is stated to be a *sine qua non*, I presume that could not have been done.

The inference with regard to the right of Russia, after the expiration of the ten years of mutual trade to exclude us from any participation in that north of 54. 40 N. L., is in my mind an unfavorable one; in this perhaps I may be mistaken, altho' I have little doubt it is the construction, which will be hereafter contended for by the Russian Government.[2]

Your reply in any way most convenient to you to these suggestions, will much oblige, Your very Respectful and Obedient Servant, JAMES LLOYD.

Professor HART submitted for publication a paper by Wilbur H. Siebert of the Ohio State University on

[1] Henry Middleton, of South Carolina, who was Minister to Russia, April, 1820, to September, 1830.

[2] See *American State Papers*, Foreign Relations, v. 432.

## The Colony of Massachusetts Loyalists at Bristol, England.

The port of Bristol, England, early became a resort of American loyalists, and continued so both during and after the Revolution. Thomas Hutchinson, recently governor of Massachusetts Bay and himself a fugitive in England, made a brief visit there with his son Elisha on January 10, 1775, and found another New England refugee, one of the Waldos, already living there. After viewing the town, the governor declared it to be "well accommodated with well built houses for lodgings," but outside of three or four small squares he discovered no elegant residences "fit for a first-rate tradesman to live in."[1] The attractiveness of Bristol for Americans was expressed by Hutchinson after a second visit, which he made to the place over two years later, when he remarked significantly: "The manners and customs of the people are very like those of the people of New England, and you might pick out a set of Boston Selectmen from any of their churches."[2] The fact that living was cheaper there than in many other communities was an additional attraction of weight.

Already in 1775, loyalists were landing at Bristol or passing through on their travels about the country. Col. Benjamin Pickman of Salem arrived in April or May, having sailed from his home town five weeks earlier.[3] A Boston shipmaster, by the name of Johnson, also came in this year with his wife and children;[4] and before the summer was over a group of New Englanders, consisting of "Mr. Amory and wife, Quincy, Greene, Sears, and Callahan and wife," visited Bristol — probably having just arrived from America — and thence made an excursion to Aylesbury, the place where Sir Francis Bernard was then residing.[5] Before the lapse of the year, the nucleus of a loyalist colony had formed at Bristol, its members being James Boutineau and family of Boston, one of the Auchmutys, Mrs. Borland and family of Cambridge, one of the Waldos, already mentioned, and possibly others.[6] During the

[1] Hutchinson, *Diary and Letters*, I. 346.
[2] *Ibid.* II. 148.
[3] Stark, *Loyalists of Massachussetts*, 266.
[4] Hutchinson, *Diary and Letters*, II. 271.
[5] *Ibid.* I. 513.
[6] *Ibid.* I. 536; II. 18.

next two years this group was evidently growing, for the Salem refugee, Samuel Curwen, who was an occasional visitor at Bristol and at times a resident there, mentions additional names of his fellow colonials who were living in the town.[1] Under date of September 29, 1777, he reports having spent the evening at Mr. Henry Barnes', "where he took tea with thirteen Americans"; [2] and a week later he writes to his friend, the Rev. Isaac Smith at Sidmouth: "The number of our country folks here is eighteen, viz.: Mr. Boutineau and lady, Mr. Benjamin Faneuil and lady, Judge Sewall and lady, Mr. Barnes and lady and neice, Mr. Fenton and daughter and son, Mr. Fr. Waldo, Mr. Timmins, Col. Hatch's two daughters at school, and myself." [3]

The variation in names given by Mr. Curwen in his references at various periods to calls, teas, dinners and evenings at quadrille, shows that the loyalist circle in Bristol was enlarging, although removals to other towns and occasionally death tended to keep down the number. It is also noteworthy that the names which appear in Curwen's *Journal* are almost exclusively those of exiles from Massachusetts. From other sources, however, we know that loyalists from other American colonies dropped into Bristol, though there is no evidence to show that they became permanent residents there. In December, 1778, Judge Howard (probably Chief Justice Martin Howard of North Carolina) arrived from New York; [4] late in the following July, Lieutenant Governor William Bull of South Carolina was in Bristol; [5] as was also Peter Van Schaack of Kinderhook, New York, about three and a half months later still.[6]

Two years after the list of eighteen names given above, Curwen begins (September 24, 1779) a new series of entries relating to Bristol: the new names are readily recognized as those of Massachusetts loyalists.[7] In a letter written April 19, 1780, Curwen presents another census of Americans in Bristol as follows: "Col. [Thomas] Oliver [late lieutenant governor of Massachusetts] and six daughters; Mr. R. Lech-

[1] Curwen, *Journal and Letters*, 74, 76–77, 78, 141, 143–144.
[2] *Ibid.* 155. [3] *Ibid.* 156.
[4] Sabine, *American Loyalists* (ed. 1847), 369; Curwen, *Journal and Letters*, 207.
[5] Hutchinson, *Diary and Letters*, II. 269. [6] *Ibid.* 293.
[7] Curwen, *Journal and Letters*, 221, 224–226, 235, 236.

mere, his brother Nicholas, wife and two daughters; Mr. John Vassal, wife and neice, Miss Davis; Mr. Barnes, wife and neice; Mr. Arbuthnot; Mr. Nathaniel Coffin, wife and family; Mr. Robert Hallowell, wife and children; Judge Sewall, wife, sister, and two sons; Samuel Sewall, with his kinsman, Mr. Faneuil, and wife; Mr. Francis Waldo and Mr. Simpson, together with Mrs. Borland, a son and three daughters." Curwen concludes his list with the statement: "I send this by young Gardner, who with Mr. Leavitt and Capt. Carpenter leaves us to-morrow, and will shift for their passage to America as they can."[1] According to this census, the Bristol colony had now reached between forty and fifty members.

The list could not have been complete: for George Inman and wife of Philadelphia arrived in Bristol from London in March, or about a month before Curwen wrote the letter above quoted. There they remained "for the greater part of the time till after Christmas." Mr. Inman relates that he and his wife met many of the American families settled in the town, and gives the following names: "Thomas Oliver, John Vassals, Lechmere, Sewal, Bob Holbrook, Nat. Coffin, who died soon after, Mrs. Borland, Mr. Simpson, Mr. Fennel [Faneuil], Mr. Barnes, Mr. Coulson, and Mrs. Merchant, our friend Betsy Davis who resided with her aunt Mrs. Vassall. But [with] some of these," he goes on to remark, "by some means or other, a coolness took place, after which my visits to them were more out of form than friendship." He adds that "in August of this y'r [1780] R. Temple arrived at Bristol in a flag of truce from Bost. with his family, whom I saw and spent an evening with at the White Lyon."[2] It is notable that several of the names mentioned by Inman, in addition to his own, do not appear in Curwen's list.

In the same month in which Mr. Temple and his family came to Bristol, James Russell was reported as a prospective settler. Curwen communicates the multiplied good fortune of this gentleman, who, he says, "by lucky captures by a letter of mark has realized fifteen thousand pounds sterling, is soon

[1] Curwen, *Journal and Letters*, 237, 238.

[2] George Inman, "Narrative of the American Revolution" in *The Penn. Magazine of Hist. and Biog.*, VII. 246, 247. A letter from Jonathan Sewall of August 24, 1780, also mentions the arrival of Mr. R. Temple and family at Bristol "in thirty-two days from Boston." Curwen, *Journal and Letters*, 271, 276.

to be settled a Bristol merchant, and bound in the matrimonial chain to Mr. R. Lechmere's second daughter, Mary."[1] Whether many members of the colony engaged in the commercial activities of this thriving centre, we do not know. It is likely that the majority of them had private resources which they were able to supplement, in some instances at least, with an annuity from the government. For example, Governor Oliver, Curwen, and Samuel Sewall were recipients of pensions from the royal treasury, although we learn that the Governor's pension was "lessened £100, out of £300," when the revision of allowances to loyalist refugees was effected early in 1783.[2] Those who were without private resources found it very difficult to get along. A case in point was that of Robert Hallowell, of whom his brother Benjamin wrote to Edward Winslow, February 10, 1784: "Your worthy friend Bobby continues still at Bristol on account of the cheapness of living, and being amongst a number of friends who use every means in their power to be of service to him, the little money which he has been able with great industry to pick up added to the allowance of £120 a year Government, he is able to rub along."[3]

The group of loyalists at Bristol held together for some years after the close of the American Revolution, and continued to enjoy social intercourse among themselves in an unpretentious way. Among them were Mr. and Mrs. Henry Barnes of Marlborough, Massachusetts, who lived first in Canon's Marsh and afterwards in a "grand old edifice" on King Street, from which they could view "the Play House, the Assembly House, the Merchants Hall and the Merchants Library." While limited in means, they were nevertheless able to participate in the "routs" and other social diversions of the time. Some of the letters of Mrs. Barnes contain entertaining accounts of the New England circle in which she moved. On April 1, 1786, she wrote to her friends, the Misses Barker: "Wee have seventeen American familys in Bristol, very Genteel well bred People, all of one heart and one mind. In this circle we are treated with Cordiality and respect, being quite upon a footing with them in the stile of Vissiting which is no more than Tea and cards — a little parade (to be sure) is nessisary upon these

[1] Curwen, *Journal and Letters*, 264.
[2] *Ibid.* 367, 368.
[3] Raymond, *Winslow Papers*, 166.

ocations in order to keep up the Ball, but as it is not attended with much Expence we readily consent to follow the Lead."[1]

Death began to invade the ranks of this group early in its history. James Boutineau died before the middle of May, 1778,[2] Robert Temple before 1783,[3] and Nathaniel Coffin about a year later.[4] Other members survived for some years. Harriet, the wife of Lieutenant Governor Thomas Oliver and daughter of Colonel John Vassal, passed away in 1808,[5] and was followed on May 6, 1811, by Samuel Sewall.[6] The decease of Lieutenant Governor Oliver occurred on November 29, 1815,[7] while that of Joseph Waldo came the next April, the latter being ninety-four years of age.[8]

Most of these persons, like most of their fellow-countrymen in Bristol, were from Boston. But other towns and other colonies were represented. Governor and Mrs. Oliver, Colonel and Mrs. Vassal, and doubtless Mrs. Borland were Cambridge people. Judge Jonathan Sewall came from Charlestown, Massachusetts, Mr. and Mrs. Henry Barnes from Marlborough, Massachusetts, Thomas Coulson from Falmouth, Maine, John Fenton from New Hampshire, and John Inman and wife from Philadelphia. A number of them, if not the great majority, had been transported to Halifax with the British troops at the time of the evacuation of Boston in March, 1776, and from there had gone to England. This was the case with Lieutenant Governor Oliver and Robert Hallowell.

Among the members of the Bristol colony we find former merchants, lawyers and officials, including a clerk in the court of common pleas, a cashier and a comptroller of the customs at Boston, two mandamus councillors, and the last royal lieutenant governor and president of the council of Massachusetts. Some of the most eminent and respectable families of New England were represented at Bristol, among these being the Sewall, Vassal, Russell and Oliver families. Of the subsequent careers of individual members we know but little: Jonathan Sewall emigrated from Bristol to New Brunswick in 1788, where he

[1] Tiffany and Lesley, *Letters of James Murray, Loyalist*, 259.
[2] Hutchinson, *Diary and Letters*, II. 205.
[3] Curwen, *Journal and Letters*, 497.
[4] *Ibid.* 484. [5] *Ibid.* 515. [6] *Ibid.* 506.
[7] *Ibid.* 515; Sabine, *American Loyalists*, 492, 497.
[8] *Ibid.* 483.

was chosen judge of admiralty. Sabine reports that he died in that colony in 1796.[1]

Remarks were made during the meeting by Messrs. THAYER, GREEN, DAVIS, BOLTON, T. L. LIVERMORE, BOWDITCH and STOREY.

[1] Sabine, *American Loyalists*, 609.

## FEBRUARY MEETING.

THE stated meeting was held on Thursday, the 8th instant, at three o'clock, P. M.; in the absence of the PRESIDENT, the first Vice-President in the chair.

The record of the last meeting was read and approved; and the Librarian read the list of donors to the Library during the last month.

The Cabinet-Keeper reported the gift of a portrait of Wendell Phillips by Charles V. Bond. This portrait, probably the earliest known portrait of Mr. Phillips, belonged to Mrs. Susan B. Hall of New York, who has given it to the Society through Mr. Oswald Garrison Villard and Mr. Francis J. Garrison. Mr. Bond was the son of an innkeeper in Detroit, Michigan, who came to Boston in 1847 and enjoyed the patronage and friendship of Mr. Amos Lawrence. He remained in Boston at least four years, as his name is found in the Boston Directory from 1848 to 1851. Then his name disappears, and it is believed that he died not long after. It may be noted that Mr. Bond painted a portrait of our Librarian in 1847 (Dr. Green being then in his eighteenth year), as well as other members of his family. To the brother of Dr. Green, Bond gave his own portrait, painted by himself, and this portrait Dr. Green sent to the Public Library of Detroit some years ago, where it now is. The exact date of the Wendell Phillips portrait is not known — probably about 1849. Mr. Phillips was born in 1811.

The Editor announced the following gifts of manuscripts to the Society: from Charles S. Hamlin, nine original letters, and copies of two others, of George Sumner, written from Washington and abroad, 1837–1844, to various members of the Sumner family and to George W. Greene; and from CHARLES P. GREENOUGH, a contemporary copy of the will of John Newgate, of Boston, 1665.

The Editor also announced the publication of the second

volume of the *Diary of Cotton Mather*, being the eighth volume of the Seventh Series of the Society's *Collections*.

On a request of the PRESIDENT, the Editor prints the following letter, written by William Tudor, the judge advocate of the Continental army, who held the office from July 29, 1775, to April 9, 1798, with the rank of lieutenant-colonel. Judge Tudor had been a law student in the office of John Adams for three years. A memoir of him, prepared by his son, William Tudor, Jr., is printed in the Society's *Collections* (Second Series, VIII. 285). As his duties kept him near the headquarters of Washington, his testimony on the conduct of the campaigns is direct and of value.

## To JOHN ADAMS.[1]

BOSTON, 13 December 1816.

DEAR SIR, — Was I to draw the Portraits of the two Characters [Washington and Alexander Hamilton] you mention, of the first I should say that he was not a man of military Genius, but of consummate Discretion. He could rise on Misfortune in an extraordinary manner and thus obtained the Confidence of his motley army. But he committed several gross Blunders. The first was at Long Island in 1776. After the Battle in which we were defeated by the overpowering veteran Force of Sir W. Howe, and in which Lord Stirling and General John Sullivan were captured, he threw over the whole of our disposable Force from New York, and lay at Brooklyne with a very inferior and comparatively undisciplined Army four Days, whilst the Enemy, exulting in Victory, were aided by 28 Sail of Men of War and seven hundred sail of Transports loaded with every Thing an Army could require, occupied the Harbour of New York. And had it not been for the miserable conduct of the British General a fatal if not final Blow must have [been] given to our revolutionary Struggle. Three Weeks afterwards when we retreated Helter Skelter to Morris' Heights three miles from King's Bridge, In consequence of the men refusing to submit to any farther Fatigue Duty in erecting Redoubts, in which they had been employed the whole Summer, and which had never been defended, he declared in his General Orders that Fort Washington should never be surrendered without fighting. He soon after retreated to White Plains, because General Lee who had arrivèd from South Carolina, told him that an

[1] From the Adams MSS.

Army without Naval Support, had no Security on an Island. We retreated and left two thousand discouraged Soldiers to be captured. One third of whom perished during the ensuing winter in the damp Churches of New York where they were imprisoned. His third great mistake was committed at Brandywine, when the Enemy completely duped him and got Possession of Philadelphia. I add Nothing about the Blunders of Germantown or Monmouth. . . . That I may be understood, by Discretion, I mean his political and moral Discretion. . . .

WILLIAM TUDOR.

Joshua Lawrence Chamberlain, of Brunswick, Maine, was elected a Corresponding Member of the Society.

The VICE-PRESIDENT then said:

It is my duty to announce the death of Sir James MacPherson Le Moine, of Quebec, which took place on Monday, February 5. Born January 24, 1825, he had just completed his eighty-seventh year. He was elected a Corresponding Member at the Annual Meeting in April, 1880. At that time he was President of the Literary and Historical Society of Quebec, and filled a prominent position in Canada as a writer on various subjects. In 1897 he was knighted for his literary and scientific services to the Province.

Since the last meeting I have received for the Library from General Thomas Sherwin a letter dictated by Captain Robert Orme, who was severely wounded in the Battle of Great Meadows, on July 9, 1755. In this action General Braddock, the commander, was killed, and Captain Orme was serving on his staff as *aide-de-camp*. The letter is dated July 18, at Cumberland, and was written at Captain Orme's dictation by his comrade Captain Dobson to Lieutenant-Governor Morris of Pennsylvania; and evidently it is a contemporaneous manuscript. It is printed in various publications which give an account of the battle, though the different versions, as there printed, vary somewhat in details. Perhaps several copies were made at the time, as it gave such full particulars of the fight by one who took part in the action. It appeared in print, first, in the *Collections* (Second Series, VIII. 153–155) of this Society; later, in full or in part, in Sparks's *Writings of George Washington* (II. 471); in the *Minutes of the Provincial Council of Pennsyl-*

*vania* (VI. 487–489); in the *Historical Magazine* (VIII. 354, 355) for November, 1864; and probably elsewhere. None of these publications tells where the original letter may be found. The present copy does not enclose "a List of killed and wounded," as mentioned in the letter, but this is printed in the volume of *Collections* and the *Minutes of the Provincial Council*.

Professor KITTREDGE then read the following paper on

## SOME LOST WORKS OF COTTON MATHER.

To attempt the recovery of several lost or strayed works of Cotton Mather looks like a waste of energy. For the catalogue of Mather's writings is already of so prodigious a length that the student of American literature may well revolt at the thought of reading any further "composures" from his tireless pen. However, it is not a new batch of funeral sermons that will occupy us, but a series of tracts and letters on variolous inoculation; and this is a subject of uncommon significance, both in New England history and in the annals of medical science. No apologies, therefore, will be demanded of the searcher for derelict material, provided his quest results in something tangible.[1]

[1] In preparing this paper I have been able to use an admirable essay by Dr. Reginald H. Fitz, *Zabdiel Boylston, Inoculator, and the Epidemic of Smallpox in Boston in 1721* (*The Johns Hopkins University Bulletin*, XXII. 315–327). Mr. Tuttle has been of material assistance again and again. I am indebted to Mr. Herbert Putnam, Librarian of Congress, for indispensable facsimiles and for copies of manuscripts. Mr. Frederick L. Gay has had the great kindness to lend me a transcript of all of Cotton Mather's letters that are preserved in the Letter-Book of the Royal Society, and to allow me to make such extracts as I might need. This transcript is cited as the "Gay MS."

Two unpublished lists of Mather's *Curiosa Americana* (communications to the Royal Society), drawn up in his own handwriting, are several times cited in the course of this study. (1) The first, which I call "the Catalogue of 1723," was enclosed in a letter to Dr. James Jurin, Secretary of the Society, May 21, 1723. It was intended to be exhaustive, up to that date, except for the *Curiosa* of 1712, which Mather omitted because excerpts from them had been printed in the *Philosophical Transactions*, XXIX. 62–71. I have used a transcript of this Catalogue in the Gay MS., fols. 179–181. (2) The second (cited as "the Loose Leaf List") is on a single leaf in the possession of the American Antiquarian Society. It is obviously the table of contents of a sheaf of draughts which have disappeared. It contains thirteen titles, which correspond (if we disregard a few slight variations in phraseology) to the last thirteen in the Catalogue of 1723, and occur in the same order, — but there is one striking exception: the second title in the Loose Leaf List is "*Variolæ triumphatæ:* or, The Small-Pox Inoculated," which is given as a letter to Dr. Woodward. In place of this we have, in the Catalogue of 1723, "An Account of the Method & Success of Inoculating the Small-Pox. To

## I. Curiosities of the Small-Pox (1716); Address to the Physicians (1721); The Boylston Tract (1721).

At the outset, a repetition of familiar things is necessary, in order to ensure clearness in the sequel. In particular, we must call to mind the main facts about two famous letters (the first by Timonius, the second by Pylarinus), since, though quite distinct and published at different times, they are often cited together, almost as if they were parts of one and the same document.

In December, 1713, Emanuel Timonius (Timoni), a Doctor of Medicine of both Padua and Oxford,[1] and a Fellow of the Royal Society, wrote a Latin letter from Constantinople, describing inoculation for the smallpox as practised in that city. Undoubtedly the epistle was addressed to Dr. John Woodward, Professor of Physic at Gresham College,[2] a leading member of the Royal Society and a correspondent of Cotton Mather. At all events, it was Woodward who communicated it to the Society, giving an English abstract of that portion which dealt with the novel practice, and subjoining the ætiological part in the original Latin. In this shape the letter of Timonius was printed in 1714, in No. 339 of the *Philosophical Transactions*,[3] — the same number that contained excerpts from Cotton Mather's *Curiosa Americana* of 1712. In 1716 there appeared, in No. 347 of the same *Transactions*, another account of Constantinopolitan inoculation, entirely in Latin, from the pen of Jacobus Pylarinus (Pylarini), M.D., late Venetian consul in Smyrna.[4] In 1717 Nos. 338–350 of the *Philosophical Transactions* were assembled and published as Vol. xxix. This volume

M[r] Dummer." On this variation see p. 455, note 1, *infra*. There is no date attached to the Loose Leaf List, but it certainly includes only *Curiosa* sent in 1721 and 1722 (all but one, probably, in the former year).

[1] "Timoni, Emanuel, D. Med. of Padua; incorporated 6 July, 1703" (Foster, *Alumni Oxonienses*, iv. 1488).

[2] In *Tractatus Bini de Nova Variolas per Transplantationem excitandi Methodo* (Leyden, 1721), the excerpts from Timonius are styled "compendium epistolæ a Dn. E. Timoni ad J. Woodward mense Xbri. an. 1713 . . . conscriptæ."

[3] For April–June, 1714. The year is mentioned in the colophon of No. 339: "*London*, Printed . . . 1714."

[4] Pylarinus's account was in a letter to Sir Hans Sloane, as appears from Sloane's paper in the *Transactions*, xlix. 516. On Timonius and Pylarinus see also xlix. 104–105.

of course included both the report of Timonius [1] and that of Pylarinus.[2]

It is the current opinion that these two articles came into the hands of Cotton Mather at the same moment, in or about 1721, as a loan from Dr. William Douglass, and that they suggested to him the idea of combating by inoculation the epidemic of smallpox which devastated Boston and vicinity in that year.[3] This view, however, needs correction in certain important respects.

On Monday, July 2, 1716, Mather began the composition of a third series of *Curiosa Americana* for the Royal Society.[4] He wrote one letter, addressed to Dr. John Woodward, on every weekday until, on Friday the 13th, he had completed the set, — eleven in all, forming a "Decad" and a supplementary epistle. These he entrusted, in the same month, to Samuel Woodward, Secretary of the Province, for delivery to the Doctor, along with a covering letter, which introduced the bearer. Secretary Woodward sailed for London in August,[5] and undoubtedly fulfilled the trust. Mather's own draughts of the eleven *Curiosa* and the covering letter are in the possession of the Massachusetts Historical Society. None of the draughts is dated, but that of the covering letter is endorsed, in Mather's hand, "Letters to D^r^ Woodward. Sent by M^r^ Secretary Woodward. July — 1716." The fair copies which went to England are not known to be extant. Fortunately, however, a contemporary transcript of the series is preserved among the

[1] XXIX. 72–82. [2] XXIX. 393–399.

[3] See, for example, Fitz, 317; Bullock, *Life and Writings of William Douglass* (*American Economic Association, Economic Studies*, October, 1897, II. 268).

[4] The first series of *Curiosa* was written November 17–29, 1712, and is excerpted in the *Philosophical Transactions*, No. 339, for April–June, 1714 (XXIX. 62–71). The originals are in the Letter-Book of the Royal Society, M. 2. 21–33. The second series was sent to England in 1714. We learn from the covering letter of July, 1716, that it consisted (apparently) of a "Decad" of letters. From this same covering letter we also discover that Mather feared the *Curiosa* of 1714 had never reached Dr. Woodward, and that he therefore enclosed copies (along with the *Curiosa* of July, 1716) in the packet entrusted to the Provincial Secretary. Thus it happens that, in the M. H. S. draughts, the *Curiosa* of 1714 are more or less mixed up with those of July, 1716 (see p. 421, note 1, *infra*).

[5] Secretary Woodward sailed for England sometime between August 3 and September 5, 1716, as Mr. Albert Matthews informs me. The limits are fixed by a comparison between *Council Records*, VI. 494–495, and *Court Records*, X. 91 (in the Archives of the Commonwealth).

Sloane MSS. in the British Museum, and from this we can recover the exact dates of eight out of the eleven *Curiosa*, — Nos. 1–5 and 9–11.[1] The tenth number interests us particu-

[1] The transcript is in Sloane MS. 3340 (fols. 277–297). It is headed "Curiosa Americana continued in Letters to y^e^ Learned & Famous John Woodward M.D. F.R.S. M. Profess. from Cotton Mather. In y^e^ year 1716." Being made from the fair copies which Mather sent to Dr. Woodward, it of course preserves the dates of the several letters. The first of the series is labelled "N° 1" and is dated "Boston N. England July 2. 1716." The others are not numbered, but they are arranged in chronological order. Thus on fols. 277–290a we have the first four, dated respectively (at the end of each) July 2, 3, 4 and 5, 1716. The fifth letter is curtailed by a lacuna between fols. 292 and 293 of the manuscript. What remains of it stands on fols. 290b–292, but the conclusion is lost, and with it the date, which, however, must have been July 6. After the lacuna comes the letter of July 11, 1716 (on fol. 293a); the latter part alone is preserved, but this carries the date. Then come (on fols. 293b–297) two letters dated respectively July 12 and 13, 1716. That of July 13th is shown, by a passage which it contains, to have been the eleventh and last ("Unto y^e^ Decad of Letters wherewith I have now address'd you, I shall add this as a sort of a *Postscript*"). We are able, therefore, to infer with certainty that the letters of July 11 and 12 stood ninth and tenth in the series, and that those lost in the lacuna were Nos. 6, 7 and 8 (July 7, 9 and 10). July 8 was Sunday, and a *dies non*.

It appears that Mather followed the same procedure in composing this series of *Curiosa* that we know he adopted in composing the Series of 1712. In that year his *Curiosa* (preserved in the originals, all dated, in the Letter-Book of the Royal Society, M. 2. 21–33, and accessible to me in the Gay MS., fols. 1–150) were begun on Monday, November 17, and were continued, at the rate of one a day, until the series was completed on the last day of the fortnight (Saturday, the 29th). On the 23d (Sunday) no letter was written, but Mather made up for the omission by writing two on Monday, the 24th. Thus the series of 1712 consisted of *thirteen* numbers. That of July, 1716, as we have seen, contained but *eleven*. The reasons are, (1) that, in 1716, Mather did not make up for Sunday by doubling his Monday's task, and (2) that he wrote no letter on the last day of the fortnight, since Saturday, July 14, 1716, was (as we learn from his *Diary*, II. 360) "sett apart for Supplications."

If it were not for the Sloane transcript, we should not be able to decide upon the precise dates and the order of the *Curiosa* of July, 1716, since the M. H. S. draughts are not only undated, but are disarranged. For the convenience of future editors of Mather papers, I append a list of these Curiosa, giving the title of each as it stands (in Mather's hand) in the draught, and the date of each as it stands in the Sloane transcript (which does not give the titles):

(1) *Monstrous Impregnations*, July 2; (2) *A Monstrous Calf*, July 3; (3) *The Nidification of Pigeons*, July 4; (4) *A Triton*, July 5; (5) *A Serpent securely handled*, [July 6], conclusion with date lost in Sloane lacuna; (6) lost in lacuna [July 7]; (7) lost in lacuna [July 9]; (8) lost in lacuna [July 10]; (9) *Surprizing Influences of the Moon*, July 11; (10) *Curiosities of the Small Pox*, July 12; (11) *The Fagiana*, July 13.

The letters missing in the Sloane transcript (Nos. 6, 7 and 8) are doubtless *A Strange Mischief to the Eyes*, *Strength of Imagination*, and *The Stone Mistaken*, but we cannot be sure of their order. All the titles of the 1714 and 1716 sets are included in the Catalogue of 1723, but that list does not enable us to date them or to sort them out with security.

larly. It was written on July 12, 1716, and is entitled *Curiosities of the Small-Pox* in the original draught and in the Catalogue of 1723. It has never been printed.

In this letter of July 12, 1716, after speaking of the previous history of the smallpox in New England and commenting on the epidemic of measles in 1713, Mather proceeds as follows:

All that I shall now add, will be my Thanks to you, for cõunicating to the Public in D^r^ *Halley*'s Transactions, y^e^ Account which you had from D^r^ *Timonius*, at *Constantinople*, y^e^ Method of obtaining and procuring y^e^ *Small-Pox*, by *Insition*; which I perceive also by some in my Neighbourhood lately come from thence, has been for some time successfully practised there. I am willing to confirm you, in a favourable Opinion, of D^r^ *Timonius*'s Cõunication; And therefore, I do assure you, that many months before I mett with any Intimations of treating y^e^ *Small-Pox*, with y^e^ Method of Inoculation, any where in *Europe*; I had from a Servant of my own, an Account of its being practised in *Africa*. Enquiring of my Negro-man *Onesimus*, who is a pretty Intelligent Fellow, Whether he ever had y^e^ *Small-Pox*; he answered, both, *Yes*, and, *No*; and then told me, that he had undergone an Operation, which had given him something of y^e^ *Small-Pox*, & would forever præserve him from it; adding, That it was often used among y^e^ *Guramantese*, & whoever had y^e^ Courage to use it, was forever free from y^e^ fear of the Contagion. He described y^e^ Operation to me, and shew'd me in his Arm y^e^ Scar, which it had left upon him; and his Description of it, made it the same, that afterwards I found related unto you by your *Timonius*.

This cannot but expire, in a Wonder, and in a request, unto my D^r^ *Woodward*. How does it come to pass, that no more is done to bring this operation, into experiment & into Fashion — in *England*? When there are so many Thousands of People, that would give many Thousands of Pounds, to have y^e^ Danger and Horror of this frightful Disease well over with y^m^. I beseech you, syr, to move it, and save more Lives than D^r^ *Sydenham*. For my own part, if I should live to see y^e^ *Small-Pox* again enter into o^r^ City, I would immediately procure a Consult of o^r^ Physicians, to Introduce a Practice, which may be of so very happy a Tendency. But could we hear, that you have done it before us, how much would That embolden us![1]

[1] The extract follows the original draught, in Mather's hand (M. H. S.) in preference to the Sloane transcript. The variations are trifling.

Mather's slave Onesimus was presented to him by some generous parishioners on December 13th, 1707.[1] How promptly his new master asked him the inevitable question, "Have you had the smallpox?" we cannot tell. Two facts, however, are now clear: (1) Mather had heard of inoculation, from Onesimus, "many months"[2] before he saw Woodward's abstract of Timonius in the *Philosophical Transactions;* and (2) the abstract reached him at least five years before the epidemic of 1721 broke out. It is also manifest that the essay of Pylarinus had not come to hand when Mather wrote the letter of July 12, 1716.[3]

Now there is abundance of testimony that Dr. William Douglass[4] did, at some time or other, lend Mather No. 339 of the *Philosophical Transactions* (containing Timonius) and No. 347 (containing Pylarinus), and that (soon after June 6, 1721) he reclaimed them and kept them close. The evidence comes not only from Douglass himself,[5] but from Mather's devoted friends,[6] so that there can be no doubt that it is trustworthy.

[1] *Diary*, I. 579.

[2] Compare *The Angel of Bethesda*, as quoted on p. 431, *infra*.

[3] This is not surprising. No. 347 of the *Philosophical Transactions* (containing Pylarinus) was the issue "for the Months of *Jan. Febr.* and *March* 1716." It was certainly not published before April, and may have been several months late. No. 349 (for July–September, 1716) was not printed (as we learn from the colophon, p. 504) until 1717.

[4] A valuable (though sometimes inaccurate) *Brief Memoir of William Douglass*, by Dr. T. L. Jennison, was printed in 1831 in *Medical Communications of the Massachusetts Medical Society*, v. 195–240. This is utilized by Professor Charles J. Bullock in his *Life and Writings of William Douglass* (*American Economic Association, Economic Studies*, 1897, II. 265–290), which furnishes much additional information, but needs to be corrected in some details, particularly in the bibliography (p. 290). For other notices of Douglass, see Bullock, 265, note 1.

[5] In an unpublished letter to Alexander Stuart, M.D., September 25, 1721, Douglass says that "some time ago" he lent "these Transactions" (Nos. 339 and 347) "to a certain credulous vain Preacher of this place called Mather" (*Royal Society Letter-Book*, D. 2, f. 2; Gay MS., fol. 260). He repeats the statement in a letter to Cadwallader Colden, May 1, 1722 (4 *Collections*, II. 169): "Having, sometime before the small-pox arrived, lent to a credulous preacher Mather, Jr., the *Philosophical Transactions* No. 339 and 377" [i. e. 347], etc. See also the following places in Douglass's published works: *Inoculation of the Small Pox as practised in Boston* (Boston, 1722), 1–2, 3–4; *Postscript to Abuses, &c. Obviated* [Boston, 1722], 2–3, 4–5; *A Dissertation concerning Inoculation of the Small-Pox* (Boston, 1730), 2; *Summary*, II. 409 (Boston, 1751); and a communication, obviously by Douglass, signed "W. Philanthropos," in the *Boston News-Letter*, No. 912 (for July 17–24, 1721). *Cf.* William Wagstaffe, *A Letter to Dr. Freind* (London, 1722) [Appendix], 1; *Boston News-Letter*, No. 945 (for March 5–12, 1722).

[6] Zabdiel Boylston, introductory note to *Some Account*, etc. (Boston, 1721);

Douglass, according to Dr. Green, "took up his abode" in Boston in 1718.[1] Yet here is Mather, in 1716, well acquainted with the letter of Timonius (in No. 339), though not with that of Pylarinus (in No. 347). How are we to reconcile the clashing dates?

The key to the apparent contradiction may be found in the fact that *Douglass settled in Boston twice*, first temporarily, and afterwards for good. His dual venture is mentioned in Isaac Greenwood's anonymous *Dialogue between Academicus; and Sawny & Mundungus* (1722). Sawny (Douglass) says to Academicus (Greenwood): "Dr. MATHER, and Parson COLMAN too, have recommended me to the Esteem of the People."[2] And Academicus retorts:

> Yes, *Sawny*, you came recommended to *them*, and they were so Credulous (as you call them) to hope well, and speak well of you. But you were so well known, they could procure you little practise, and accordingly you took a Voyage, but soon returned; where at last by their means you got a *little Credit*. However, but little notice was taken of you, till your *Opposition* to *Inoculation*, made you famous.[3]

To confirm Greenwood's story we have, (1) the opening sentence of an unpublished letter from Douglass to Dr. Alexander Stuart, September 25, 1721 ("I did my self the honour to writte to you twice or thrice since my last arrival in this place"),[4] and (2) a passage in a letter from Douglass to Cadwallader Colden, February 20, 1721:

> Colonel Burgess' design of coming over Governor, was the inducement that brought me hither from the prospect of very good business in Bristol; notwithstanding of that disappointment I have resolved to fix here, and ramble no more. I can live handsomely by the incomes of my Practice, and save some small matter.[5]

the same, *An Historical Account of the Small-Pox Inoculated* (London, 1726), 1–4 (2d ed., Boston, 1730, 1–3); [Isaac Greenwood,] *A Friendly Debate; or, A Dialogue between Academicus; and Sawny & Mundungus* (Boston, 1722), 4–5, 9–10. The *Friendly Debate* was certainly inspired by Mather and probably in part written by him.

[1] 2 *Proceedings*, I. 44 (*cf.* his *History of Medicine in Massachusetts*, 1881, 64).

[2] *A Friendly Debate*, 19.

[3] P. 20.

[4] See p. 423, note 5, *supra*.

[5] 4 *Collections*, II. 164. Bullock (266) utilizes this passage, but he ignores the significant mention of Burges's "design," which suggests rather 1715 than 1716 (see p. 425, note 2, *infra*).

If Elizeus Burges's *design* of "coming over Governor" of Massachusetts was what brought Douglass to these shores, his first arrival in Boston, with letters of introduction to the ministers,[1] must have taken place in 1715 or (at the latest) in the early part of 1716.[2] Thus we can easily reconcile the fact that

[1] On Douglass's friendly reception by the Boston ministers, see the "Quære" at the end of Increase Mather's tract *Some Further Account from London, of the Small-Pox Inoculated* (2d ed., Boston, 1721[–2], 7). Where Douglass got his medical degree is not known. I find his name, however ("Gulielmus Douglass") under the year 1711 in the *Album Studiosorum* of the University of Utrecht (Utrecht, 1886, col. 113). That he studied in Paris and Leyden is ascertained from *Summary*, II. 21, note (see Jennison, 196; Bullock, 266). What Jennison says (196, 237, note 7) about "Alexander Sandiland" (misprinted "Samdelande") and "James Stewart" has misled Bullock (267, note 3). Douglass's friend and correspondent was *Alexander* (not James) *Stuart*. To him he wrote from Boston on September 21, 1721, on the subject of inoculation (see p. 423, note 5, *supra*), and the letter was read before the Royal Society on November 16th (*Publications of the Colonial Society of Massachusetts*, XIV. 103). For other letters from Douglass to Alexander Stuart see p. 457, note 4, *infra*. He twice refers to his former intimacy with Stuart (*Publications*, as above, XIV. 106, note 3), and in the second instance (which occurs in the dedication of his *Practical Essay concerning the Small Pox*, Boston, 1730) he is rather specific: "Our former Intimacy in the Universities in Holland and Hospitals in Flanders, inclined me to this Address." As for "Dr. Alexander Sandilande" (in [Isaac Greenwood's] *Friendly Debate*, 1, cf. 10), that is, I take it, merely Greenwood's (or Mather's) satirical nickname for Dr. Alexander Stuart, just as "Sawny" is their nickname for Douglass.

[2] Burges's commission was dated March 17, 1714–15. He resigned in the following spring, not having come to New England at all. As early as April 12, 1716, his resignation was known in London, and by the 20th it was known there that his successor, Samuel Shute, had been appointed by the King (*Boston News-Letter*, June 11 and 16, 1716). Shute's commission was dated June 13 or 15, 1716. It had been approved by the Privy Council on May 17th (*Acts of the Privy Council*, Colonial, 1680–1720, 799). Between June 2 and 5, 1716, the news that Burges was not coming reached Boston (*Massachusetts House Journal*, 3, 6, 7). These facts I owe to Mr. Albert Matthews.

From the letter to Colden (quoted in the text) it is clear that Douglass was in Boston when his "disappointment" took place, — that is, of course, when the news of Burges's resignation and Shute's succession arrived in June, 1716. And, indeed, we see by his weather record (*Summary*, II. 210) that he was here on June 26. Now he himself avers that Shute was appointed on March 14, 1715–16 (*ib.* I. 479). Accurate or not, this statement (taken in connection with the letter) suffices to prove that Douglass had left Bristol and sailed for Boston before that date. The following extract from the MS. Entry Book of the Scots Charitable Society of Boston, February 7, 1715–16 (furnished by the kindness of Mr. F. L. Gay), brings us still nearer to the date of his arrival: "Do$^{r}$ W$^{m}$ Douglas M: D: enters & gives £1 .. 0 .. 0."

In the *Summary*, I. 1, Douglass speaks of his "Thirty Years Residence in these Colonies." This passage was written in 1746 (see I. 59, where 1746 is called "this Year"). Again (I. 110) he refers to himself as having come to New England in his twenty-fifth year ("25 Æt.") and as having pursued his investigations here "for a Course of thirty Years." This passage appears to have been written

Mather had read Timonius before July 12, 1716, with the well-authenticated statements that No. 339 of the *Philosophical Transactions* was lent to him by Douglass. But what was the voyage that Douglass took after his first arrival, — the voyage from which, according to Greenwood, he "soon returned"? A casual remark in Douglass's *Summary* answers the question satisfactorily: "*Anno* 1717 peaceable Times, when I was in *Barbados*, all along its Lee-Shore was a Breast-Work and Trench, in which at proper Places were 29 Forts and Batteries, having 308 Cannon mounted." [1] Accepting Dr. Green's date of 1718 [2] as that of the year in which Douglass came back to

in 1747 and before July 8 (cf. I. 80, note, 94, 99, note, 120). In the latter instance, at least, "thirty" appears to be a round number. However, in another letter to Colden (November 20, 1727), Douglass aims at exactitude: "I have," he says, "for these twelve years last past, made my observations and minutes of those who lead and of those who are led, of all the shelves and rocks on which Gov. Shute and our several parties and factions have run foul" (4 *Collections*, II. 175–176). Taken strictly, these words would indicate arrival in the autumn of 1715. But in another place, he seems to give 1716 as the date of his advent: "As to the Decay of our Cod-fishery, I shall only mention that *Anno* 1716 upon my first Arrival in *New-England*, by the Books of the two Custom-House Districts of *Massachusetts-Bay* were exported 120,384 Quintals," etc. (*Summary*, I. 540). But this statement is not really inconsistent with a belief that he came over late in 1715.

On the whole, we are safe in fixing upon the latter part of 1715 or the early part of 1716 as the date of Douglass's first arrival in Boston.

[1] *Summary*, I. 133 (Boston, 1749). In a letter to Colden (November 20, 1727), Douglass mentions his having entered certain "large spacious caves" in Barbados (4 *Collections*, II. 174). Bullock, 266, note 2, cites these two places, but he has missed *Summary*, I. 121, note (which seems to allude to the visit to Barbados), and I. 90 (where Douglass speaks of having "transiently visited" the French West Indies). Clearly, Jennison had seen this passage, though he did not cite it (p. 196). Douglass's departure for the West Indies did not take place before the spring of 1717, for he was still in Boston on February 22 (*Summary*, II. 212, 213).

[2] Jennison (p. 196) gives the following account of Douglass's settling in Boston: "In June, 1716, he came to Boston from Philadelphia. During the year 1717, he visited the French and English islands in the West Indies, and returned to Boston in 1718." Most of these statements appear to rest on remarks in the *Summary* or on inferences therefrom. Unfortunately Jennison does not cite the passages, and the *Summary* is an unindexed wilderness. Bullock, who accepts Jennison's dates (omitting "June," but keeping 1716), supplies some of the references, and I have found others. "From Philadelphia" appears to be an error. Douglass came to New England (doubtless Boston) from Bristol in Old England (see p. 424, *supra*). "June" seems to be an unwarrantable inference from *Summary*, II. 210 (see p. 425, note 2, *supra*). For the visit to the West Indies, see note 1, *supra*. I do not know Jennison's authority for 1718 as the date of Douglass's return, but it is probably correct. According to the records of the Scots Charitable Society of Boston (as Mr. Gay informs me), Douglass paid his quarterly dues on May 1 and August 7, 1716. He disappears from the record at the

Boston and "took up his abode" here permanently, we find that everything is in order. His loan of No. 347 of the *Transactions* (containing Pylarinus) may have taken place in 1716 (after the date of Mather's letter of July 12), or at some subsequent time.

After all, it is a matter of slight consequence (except for the necessity of harmonizing the testimony of our witnesses) whether Mather borrowed Timonius and Pylarinus from Douglass or received them by post from London. But it *is* of some interest to observe that, before July 12, 1716, he had read Timonius, noting how the Constantinople physician substantiated the story of Onesimus, and that he could write on that day to Dr. Woodward: "For my own part, if I should live to see y^e^ *Small-Pox* again enter into o^r^ City, I would immediately procure a Consult of o^r^ Physicians, to Introduce a Practice, which may be of so very happy a Tendency." With these words in mind, we turn with some satisfaction to Mather's *Diary* of almost five years later (May 26, 1721) and read an entry drawn up in almost identical terms:

> The grievous Calamity of the *Small-Pox* has now entered the Town. The Practice of conveying and suffering the *Small-pox* by *Inoculation*, has never been used in *America*, nor indeed in our Nation. But how many Lives might be saved by it, if it were practised? I will procure a Consult of our Physicians, and lay the matter before them.[1]

For it is now evident that, when Cotton Mather urged inoculation upon the attention of the Boston physicians in 1721, he was not acting upon a sudden and whimsical impulse, he was not plunging headlong into an unconsidered experiment on the strength of something he had just come across in a scientific journal. On the contrary, he was proceeding in accordance with a matured plan, — he was carrying out a resolution which he had formed and announced *five years before*. The significance of this fact requires no emphasis.

quarterly meeting, November 6, 1716, but reappears on November 18, 1718, and pays his back dues (nine quarters). He was in Boston on October 14, 1719, as his meteorological observations show: "1719, *October* 14, Hard Frost as if Mid-winter, Robins disappear. This Winter I walked round *Boston* Peninsula at a quick Pace upon the Ice, without all the Wharfs, in one Hour seven Minutes" (*Summary*, II. 214).

[1] *Diary*, II. 620–621.

Mather's first move in his campaign for inoculation was to frame an *Address to the Physicians of Boston*, exhorting them to meet and pass judgment on the novel practice. The *Address* was dated June 6, 1721.[1] It was circulated in manuscript among the doctors, — not published, — but most of it soon got into print, as we shall see presently, and the residue (except for a few sentences) is probably still extant in the author's own handwriting.

The bulk of Mather's *Address* consisted of an abstract of Timonius and Pylarinus, and this was soon published by Zabdiel Boylston, with Mather's approval and assistance. Furthermore, the peroration of the *Address*, advising that the new method "be warily proceeded in," was twice quoted in the 1722, — once in *A Vindication of the Ministers*[2] and once in Isaac Greenwood's *Friendly Debate*.[3] Thus we possess almost the whole of the *Address* in type. Before we search for the residue, we must scrutinize the above-mentioned publication of Zabdiel Boylston.

On August 4, 1721, Mather remarks in his *Diary:* "I will allow the persecuted Physician, to publish my Communications from the *Levant*, about the *Small-Pox*, and supply him with some further Armour, to conquer the Dragon."[4] And again, on August 25th, he writes: "I will assist my Physician, in giving to the Public, some Accounts about releeving the *Small-Pox* in the way of *Transplantation;* which may be of great Consequence!"[5] Both entries manifestly refer to a tract which ap-

[1] The date is ascertained from two sources: *A Vindication of the Ministers* (Boston, 1722), 7, and [Greenwood's] *Friendly Debate*, 6. I adopt the title *Address* (instead of *Letter*) *to the Physicians* for the sake of clearness. Either term appears to be correct.

[2] *A Vindication of the Ministers of Boston, from the Abuses & Scandals, lately cast upon them, in Diverse Printed Papers. By Some of their People* (Boston, 1722), 7–8. This pamphlet (like Greenwood's *Friendly Debate*) was at least inspired by Mather (see *Diary*, II. 672, 674).

[3] Pp. 5–6.

[4] *Diary*, II. 636.

[5] *Ib.* II. 639. "My Physician," in this passage, does not refer to Mather's family physician, John Perkins (as to whom we may consult the *Diary*, II. 609, 620, 627, 664), but to Zabdiel Boylston. Mather here employs *my* in a sense derived from a special use of the Latin *meus* ("my dear," "my esteemed," etc.). So, in a letter to Jurin, May 21, 1723 (printed by N. Darnell Davis in *The Nation*, New York, February 18, 1892, LIV. 128, and in the *New England Historical and Genealogical Register*, XLVI. 115), Mather speaks of Dr. John Woodward, of London, as "my Doctor."

peared in August or September, 1721: *Some Account of what is said of Inoculating or Transplanting the Small Pox. By the Learned Dr. Emanuel Timonius, and Jacobus Pylarinus. With some Remarks thereon. To which are added, A Few Quæries in Answer to the Scruples of many about the Lawfulness of this Method. Published by Dr. Zabdiel Boylstone.*[1]

The tract contains twenty-two pages, besides the title-leaf. On the verso of the title-page is an introductory note, apparently by Boylston. Then follows (on pp. 1–8) "A Faithful Abridgment" of Timonius and Pylarinus, taken (as the introductory note informs us) from Mather's *Address to the Physicians*.[2] Next (on pp. 8–17) comes a series of "Remarks," mostly of a medical character. And finally (on pp. 18–22), we have "A Few Quæries humbly Offered," which are designed for the satisfaction of scrupulous consciences. Thus the Boylston tract falls into three parts. Part One (the abstract) is known to be Cotton Mather's. Who wrote the other two?

That Mather had a hand in one or both of them is antecedently probable, and is further indicated by the entries in his Diary for August 4 and 25, already quoted. For there he signifies his purpose to "supply" Boylston with "further Armour" (besides the Abstract) and to "assist" him in "giving to the Public some Accounts." The "Quæries" (Part Three) may unhesitatingly be ascribed to Mather alone; for they are not only in his style, but they also concern a vital department of his own profession. Religious scruples, as everybody is aware, prompted much of the hostility that inoculation encountered. Such scruples it was the function of a minister to remove. Nor was Cotton Mather likely to delegate this duty to a mere

[1] The date of publication as here indicated (August or September, 1721) may be established without recourse to Mather's *Diary*. (1) The tract mentions the case of Esther Webb (p. 17), and we know that she was inoculated on August 5 (Boylston, *Historical Account*, 2d ed., 1730, 7). (2) When the tract was issued, no inoculated person had yet died. The first death was that of Mrs. Dixwell, which occurred on September 24 (the same, 10). Comparing the *Diary* for August 25, we can fix the date with security as between August 25 and the 24th of September. The spelling of Boylston's name on the title-page differs in different copies. In the copy in the Harvard College Library it is *Boylstone;* in the M. H. S. copy, *Boylston*.

[2] "But because the *Gentleman* who only hath these Letters by him, refuses now to lend them; the Account here following is chiefly taken from a known *Letter* written by a Learned Gentleman of *Boston* to the Worthy Physicians of the Town" (p. [ii]).

physician.[1] I shall not waste time, therefore, in arguing what is manifestly "a most pregnant and unforced position," but shall reclaim pp. 18–22 for Mather without more ado. Thus we are left with only Part Two of the Boylston tract to account for, — the section headed "Remarks" (pp. 8–17). The "Remarks" (like the "Quæries") have usually been credited to Boylston, and it is clear that he is responsible for some of them (in substance, if not in form [2]), but others are certainly Mather's own, and the whole was probably redacted by his skilful pen.

One passage in particular may be claimed for Mather without any qualifications whatever, and it is a passage that ought to be restored to its rightful owner, since it tells of investigations for which credit should be properly assigned. It runs as follows:

> There is at this Time a considerable Number of *Africans* in this Town, who can have no Conspiracy or Combination to cheat us. No body has instructed them to tell their Story. The more plainly, brokenly, and blunderingly, and like Ideots, they tell their Story, it will be with reasonable Men, but the much more credible. For *that these* all agree in *one Story*; 'That abundance of poor Negro's die of the *Small Pox*, till they learn this *Way*; that People take the Juice of the *Small Pox*, and *Cut the Skin*, and put in a drop; then by'nd by a little *Sick*, then few *Small Pox*; and no body dye of it: no body have *Small Pox* any more.
>
> Here we have a clear Evidence, that in *Africa*, where the Poor Creatures dye of the *Small Pox* in the common way like Rotten Sheep, a Merciful GOD has taught them a *wonderful Preservative.*
>
> It is a *Common Practice*, and is attended with *Success.* I have as full Evidence of this, as I have that there are *Lions* in *Africa.* And I don't know why 'tis more unlawful to learn of *Africans*, how to help against the *Poison* of the *Small Pox*, than it is to learn of our *Indians*, how to help against the *Poison* of a *Rattle-Snake.*[3]

[1] Mather is known to be the author of *A Letter to a Friend in the Country, Attempting a Solution of the Scruples & Objections of a Conscientious or Religious Nature, commonly made against the New Way of receiving the Small-Pox. By a Minister of Boston.* Boston, 1721. This tract is dated at the end, November 20, 1721. Mr. Tuttle suggests (with much probability) that an entry in the *Diary* for November 9, 1721 (II. 656) relates to it.

[2] So, for instance, when he cites his own experience with his patients (pp. 11, 12, 13, 16, 17).

[3] P. 9.

There are several arguments [1] (including the test of style) on which this picturesque and animated piece of writing, with its early specimen of Negro English, might more probably be attributed to Cotton Mather than to Zabdiel Boylston. But one need not balance probabilities, since conclusive proof is available: the passage turns up, almost word for word, in the holograph manuscript of Mather's *Angel of Bethesda*. For reasons that will become obvious as we proceed, I shall begin my extract from the *Angel* at a point a little anterior to the moment of first coincidence:

There has been a *Wonderful Practice* lately used in Several Parts of the World, which indeed is not yett become common in o^r^ Nation.

I was first instructed in it, by a *Guramantee*-Servant of my own, long before I knew, that any *Europæans* or *Asiaticks* had the least Acquaintance with it; and some years [2] before I was enriched with the Communications of the learned Foreigners, whose Accounts I found agreeing with what I received of my Servant, when he shewed me the Scar of the Wound made for the Operation; and said, That no Person ever died of the *Small-pox* in their Countrey that had the Courage to use it.

I have since mett with a considerable Number of these *Africans*, who all agree in One Story; That in their Countrey *grandy-many* dy of the *Small-Pox*: But now they learn This Way: People take Juice of *Small-Pox*; and *Cutty-skin*, and Putt in a Drop; then by'nd by a little *Sicky*, *Sicky*: then very few little things like *Small-Pox*; and no body dy of it; and no body have *Small-Pox* any more. Thus in *Africa*, where the Poor Creatures dy of the *Small-Pox* like Rotten Sheep, a Merciful GOD has taught them an *Infallible Præ-*

[1] For example, the retort about snakeroot as a remedy is quite in Mather's vein. He had mentioned this specific on November 18, 1712, in a letter to Dr. Woodward (*Royal Society Letter-Book*, M. 2. 22; Gay MS., fol. 34), which had been excerpted in the *Philosophical Transactions*, No. 339 (XXIX. 64), — the very number that includes the paper of Timonius. And on September 24, 1716, he had sent a specimen of the plant to James Petiver, F.R.S., the distinguished botanist (see the original draught, M. H. S., and the letter itself among Petiver's papers in the British Museum, Sloane MS. 4065, fol. 255). Petiver acknowledged the gift, in 1717, in his *Petiveriana III* (p. 12, col. 2), registering the plant as "*Ophiophuga*, Cottonis Mather."

[2] In his letter of July 12, 1716, Mather says, in effect, that he got his information from Onesimus "many months" before he read Timonius (p. 422, *supra*). When Pylarinus came into his hands we do not know, but certainly after this letter of 1716 was written. "Some years" is either a synonym for "many months," or else (in the *Angel*) Mather is referring to the interval between his first talk with Onesimus and his perusal of Pylarinus.

*servative.* Tis a common Practice, and is attended with a *Constant Success.*[1]

On comparing this extract from Mather's *Angel of Bethesda* with the passage just quoted from Part Two of the Boylston tract, we are immediately struck by their word-for-word agreement for a considerable portion of their extent. We observe, however, a significant difference, — the use of the pronoun *I* in the *Angel.* In the printed tract the reader is not informed who it was that interrogated the Boston negroes. In the *Angel*, on the contrary, which was to be an acknowledged work, Mather begins the paragraph in question with an outspoken *I:* "I have since [2] mett with a considerable Number of these *Africans*, who all agree in One Story." Further, he brings his conversations with the negroes into close relation (logical and chronological) with the disclosures of Onesimus, of which he had given Dr. Woodward an account in 1716.[3]

Our comparison, then, establishes two facts: (1) Mather, not Boylston, was the inquirer who gathered and collated the fragmentary *testimonia* of the Boston Africans, and (2) Mather, by whom (as we have seen) the First and Third Parts of the Boylston tract were composed, had also a hand in Part Two. In a word, practically the whole of the tract is from Mather's pen, though Boylston collaborated with him in the Second Part. Boylston's contributions, at the most liberal estimate, cannot amount to more than four or five pages,[4] and all or most of these were doubtless redacted by Mather. We now discern the reason why Boylston appears on the title-page, not as the *author* of the pamphlet, but merely as the person who "published" it, — that is, in modern parlance, who *issued* it, or made it public.[5]

[1] *Angel of Bethesda* (ms., A. A. S.), Chap. xx. p. 134.

[2] That is, since his conversation with Onesimus.

[3] The language of *The Angel of Bethesda* here agrees closely with that of the letter to Woodward (see p. 422, *supra*).

[4] I do not attempt to appraise the comparative merit or value of Mather's and Boylston's share in the volume. Far be it from me to belittle the first-hand observations which Boylston contributed! Boylston and Mather fought shoulder to shoulder, and each was ever liberal in giving credit to the other.

[5] So Daniel Neal, in 1722, cites a certain tract which Jeremiah Dummer received from New England in manuscript, and gave to the world in that year with a dedication to Sir Hans Sloane, as "a letter from *New England* lately publish'd by Mr. *Dummer*" (see Neal's *Historical Introduction*, prefixed to *A Narrative of*

Our study of the Boylston tract has diverted our attention from Mather's *Address to the Physicians*. Two fragments of this, as we have seen, got into print in 1721, — (1) the summary of Timonius and Pylarinus, which Boylston took from the *Address* and inserted in the tract that he "published"; and (2) the peroration, which was quoted by Greenwood and in the *Vindication of the Ministers*. Thus only the introductory portion of the *Address* remains to be discovered. Let us turn again to *The Angel of Bethesda*.

The passage first quoted from this work ("There has been a *Wonderful Practice* lately used," etc.) begins a particular division of Chapter XX, and exactly fills p. 134 of the manuscript. P. 135 continues with a transitional sentence: "But o$^{r}$ Advice of this Matter, as it comes from Superiour Persons in the *Levant*, is what may have most Attention given to it." Next comes (on pp. 135–140) Mather's summary of Timonius and Pylarinus, almost word for word from the *Address to the Physicians*. There follow (on pp. 140–141) a few sentences of ætiological speculation, and then (on p. 141) comes a peroration (closing with the words "I have done") which one instantly recognizes as adapted from that of the *Address*. The inference is not to be resisted: the *introductory portion of the* Address to the Physicians *is not lost; it is substantially preserved in* The Angel of Bethesda (*p. 134*), *where it serves* (*as it served in the* Address) *to lead up to the summary of Timonius and Pylarinus*. In other words, the *Address to the Physicians* was inserted by Mather, in practical entirety, into *The Angel of Bethesda*, where it may still be read on pp. 134–141.

Our inference is confirmed (if confirmation be necessary) by a singular fact. I have said that this portion of Chapter XX of *The Angel of Bethesda* concludes (on p. 141) with a peroration adapted from that which closed the *Address to the Physicians*. Let me hasten to add that, in the manuscript of the *Angel*, Mather has cancelled this peroration with his pen, and has substituted for it a briefer ending in the margin. His reason for the change becomes clear as soon as one reads the cancelled passage. I print it below, arranged in parallel columns with the peroration of the *Address*.

*the Method and Success of Inoculating the Small Pox . . . By Mr. Benj. Colman*, p. 6).

*Angel of Bethesda*

(Cancelled passage on p. 141)

I durst not engage, that the Success of the Trial here, will be the Same, that has been in all the *other Countreys* where it has been tried hitherto:[1]
Nor am I sure, that if it should be made upon a Body, where the *Blood* is already upon the Point of some unhappy *Fever*, this may not help to sett *Fire* to such a Thing.
But I am very Confident, no Person would miscarry in it but what *must most certainly* have miscarried upon taking the Contagion in the common way. Wherefore, if it be made at all,[2] I advise, that it be never made

Peroration of the *Address*

(as quoted in Greenwood's *Friendly Debate*, 5–6).

I will only say that inasmuch as the practice of suffering the Small-Pox in the way of *Inoculation*, has never yet, as far as I have heard, been introduced into our Nation where there are so many that would give great Sums to have their Lives ensured for an Escape from the Dangers of this dreadful Distemper; nor has ever any one in *America*, ever yet made the tryal of it, (tho' we have several *Africans* among us, as I now find, who tryed it in their own Country,) I *cannot but* move, that it be WARILY proceeded in.

I durst not yet engage that, the *Success* of the Trial here, will be the Same, that has hitherto been in the other Hemisphere:

But I am very confident, no Person would miscarry in it, but what would most certainly have miscarried upon taking the Contagion the *Common Way*: And I would *humbly Advise*, that it be never made but under the man-

[1] The clause "tho' we have seen it succeed well in very different climates" is inserted in the margin and cancelled.

[2] The words "(and all the Scruples that some have about the *Tempting of Providence* be also gott over)" are inserted in the margin and cancelled.

but under the management of a *Physician*
whose Conduct may be much relied upon; and
who will wisely praepare the Body for it, before he *perform* the *Operation. I have done.*

agement of a Skilful PHYSICIAN, who will wisely *prepare*

*the Body* for it, before he performs the Operation. *Gentlemen*, My request is, That you would meet for a *Consultation* upon this Occasion, and so deliberate upon it, that whoever first begins the practice, (*if you Approve it should be begun at all*) may have the countenance of his worthy Brethren to fortify him in it. *June* 6. 1721.

Comparison shows at a glance that the peroration in *The Angel of Bethesda* is (as I have already noted) adapted from that of the *Address*. Now this whole passage is cancelled in the manuscript, because, when Mather brought the chapter into its present condition, he added (on pp. 142–147 of the manuscript) an account of the successful experiments in Boston, which had not been made when he wrote the cancelled passage. This passage had become obsolete, and therefore he crossed it out.[1]

In stating that the *Address to the Physicians* is substantially preserved in pp. 134–141 of *The Angel of Bethesda*, I do not mean to imply that it is literally preserved. We have seen that Mather shortened and adapted the peroration when he inserted it. Doubtless he made some changes in the introductory matter also. But, on the whole, we have good grounds for believing that very little of the *Address* has perished.

One of the most remarkable features of Mather's advocacy of inoculation was his citation of negro testimony. We have found such testimony in his letter of July 12, 1716, in the *Address to the Physicians*, and in the Boylston tract. The credence he gave to it covered him with ridicule. It was the use he made of

[1] In the margin Mather has inserted the following passage to take the place of the cancelled peroration: "But perhaps, y^e^ Few Words, that I wrote, in my Introducing of y^e^ Story, may be as much to the purpose, as all of this Jargon. I'l have done with it." The "jargon" is, of course, the ætiological speculation that immediately precedes the cancelled peroration (cf. p. 454, *infra*).

such evidence, I fancy, that instigated the lieutenant of a man-of-war to "call his *Negro-Slave* by the Name of COTTON-MATHER,"[1] rather than the odd motive imagined by the injured party.[2] Here is a pertinent passage from William Douglass's *Inoculation Consider'd*, published on January 6, 1722:

Their second Voucher is an Army of half a Dozen or half a Score *Africans*, by others call'd Negroe Slaves, who tell us now (tho' never before) that it is practised in their own Country. The more blundering and Negroish they tell their Story, it is the more credible says *C. M*; a *paradox in Nature*; for all they say true or false is after the same manner. There is not a Race of Men on Earth more *False Lyars*, &c. Their Accounts of what was done in their Country was never depended upon till now for Arguments sake. Many *Negroes* to my knowledge have assured their Masters that they had the Small Pox in their own Country or elsewhere, and have now had it in *Boston*. Some of Dr. *M*'s *Inoculated Army* have had the same Fate, which might serve as an Argument that the *Inoculated* may have the Small Pox afterwards in the common way; but such weak Arguments our cause does not require. To confirm this you have at length in two of their little Books a silly Story or familiar Interview and Conversation between two *black* (Negroe) *Gentlemen*, and a couple of the *Reverend Promoters*, concerning Inoculation. *O Rare Farce!*[3]

This diverting outburst tempts one to a commentary. We note, in the first place, that Douglass ascribes to Mather the passage about negroes in the Boylston pamphlet. We do not need his testimony, but it is welcome. Further, he speaks with fine scorn of "an Army of half a Dozen or half a Score Africans." This is a fling at a somewhat hyperbolical phrase in Cotton Mather's *Sentiments on the Small Pox inoculated* (published on November 23, 1721): "We have an army of Africans among

[1] *Diary*, II. 663.

[2] "That so they may with some Shadow of Truth, assert Crimes as committed by one of that Name, which the Hearers take to be *me*" (*Diary*, II. 706).

[3] *Inoculation of the Small Pox as practised in Boston, Consider'd in a Letter to A—— S—— M.D. & F.R.S.* (Boston, 1722), 6–7. This letter to Stuart is dated "*Dec.* 20. 1721." The day of publication (January 13, 1722) is ascertained from an advertisement signed "Zabdiel Boylston" printed in the *Boston Gazette* of Monday, January 8–15, 1722 (No. 112), in which he speaks of the book as "published last Saturday." The *Courant* for January 1–8, 1722 (No. 23), had announced it for "Thursday next" (January 11), and the same newspaper for January 8–15 (No. 24) advertises it as "Just publish'd."

ourselves, who have themselves been under it, and given us all the assurance, which a rational mind can desire, that it has long been used with like success in Africa." [1] Finally, Douglass jeers at a "familiar Interview," described in "two . . . little Books," between "two black (Negroe) Gentlemen, and a couple of the Reverend Promoters." Douglass is a careless writer, but we cannot miss his meaning. He is adverting to Mather's specimens of Negro English in the Boylston pamphlet, and to an extremely interesting story (of some anthropological importance) told by the Rev. Benjamin Colman in his *Observations* (1721).[2]

Cotton Mather's *Sentiments* was parodied in the *New-England Courant* for November 27, 1721, and the parodist does not forget the negroes. "A Method of preventing *Death*," he ironically argues, "which an *Army* of *Africans* have given us all the Assurance which a rational Mind can desire, that it is used in *Africa* with Success, is not only lawful, but a Duty." [3] Again, in *A Letter from One in the Country* (1721), another anonymous writer remarks, scoffingly:

> A certain *Clergy-man* (by the way of *Europe*) received Advice of the Practice among the *Mussel-men*, & faithful people of the prophet *Mahomet*; also more immediately and *viva voce* from some of the scattered Members of the good people in *Guinea*.[4]

Still another anonymous document, *The Imposition of Inoculation as a Duty*, published on New Year's Day, 1722,[5] which is

[1] See p. 471, *infra*.

[2] *Some Observations on the New Method of Receiving the Small-Pox by Ingrafting or Inoculating* (Boston, 1721), 15–16. The dedication is dated "*Novemb.* 23. 1721." Greenwood (*A Friendly Debate*, 11) quotes Douglass, and adds: "Now where are those *two Books:* you certainly see DOUBLE, *Sawny*." But Douglass was ready for him, and replied with exact references: "Vide *Some Account*, &c., p. 9. Mr. *Colman* p. 15. says *The pleasing and informing Discourse I had with a poor Negro*" (*Postscript to Abuses, &c. Obviated*, 5–6).

[3] *Answer to a late Piece in Favour of Inoculation, Courant*, No. 17, for November 20–27, 1721.

[4] *A Letter from one in the Country, to his Friend in the City: in Relation to their Distresses occasioned by the doubtful and prevailing Practice of the Inoculation of the Small-Pox. Printed for . . . Nicholas Boone . . . And John Edwards . . .* 1721. P. 2. The person to whom this letter is addressed is called "Francis" at the end of the tract: "Dear *Francis*, I bid thee heartily Farewel" (p. 8). In the Harvard College copy two MS. notes in the hand of Dr. Timothy Lindall Jennison (H. C. 1782; M.D. 1824; died 1845) identify him with Dr. Francis Archbald, a Boston physician of the time.

[5] *The Imposition of Inoculation as a Duty Religiously Considered in a Letter to*

particularly severe on the Boylston tract and on Cotton Mather's *Sentiments*, is adorned with a motto from Pliny: "*Aliquid Monstri semper profert* AFRICA." The author, echoing a phrase of Mather's in the Boylston tract, speaks ironically of "the *New Scheme* of those *Judicious people* call'd *Africans*, who had no *Combination* to cheat us." [1] And again he contends that "to bring Armies of *Africans*, and Troops of *Mahometans*, to prove it lawful by their Success with it, is like their proving the Religion of *Mahomet*, as true Religion, because successfully propagated, and maintained by the Sword, and profest by vast Numbers, which fill whole Nations of the *Eastern* World." [2]

But Mather was not to be laughed out of his justifiable confidence in the Africans, or his equally justifiable pride in having learned of inoculation from Onesimus before he saw the essay of Timonius. He insisted on both these points, as we have seen,[3] in his *Angel of Bethesda*, which was ready for the press on February 20, 1724,[4] and which, in the following October, he was hoping to get published in America.[5] Previously, in a long letter to Dr. James Jurin (May 4, 1723), he had expressed himself as follows:

But we find likewise an Army of *Africans*, among o^r^ Domestic Slaves, to be our Auxiliaries in this Cause, who had the Operation Performed upon them, while they were yett in *Barbary*; and as they show y^e^ *Marks* of it, so we as well as they reap the *Fruits* of it, in their Secure Attendance upon o^r^ Sick. And we understand, That in *Barbary*, the Common Usage is this: when about half a Dozen in a Village fall Sick of y^e^ *Small-Pox*, presently all y^e^ Sound at once repair unto them to be furnished with the *Pus*, for y^e^ *Inoculation* of the *Small-Pox* upon them; All of whom, after a Small Indisposition, have a few Pustules, which forever secure them from y^e^ Distemper; Whereas, the first Half a Dozen generally dy; [6] yea, the Poor

*a Gentleman in the Country Inclin'd to admit it. Printed for Nicholas Boone . . . And John Edwards . . .* 1721. It is advertised in the *Courant* of January 1, 1722 (No. 22), as "This Day published."

[1] P. 3.

[2] P. 25.

[3] P. 431, *supra*.

[4] *Diary*, II. 698.

[5] In an inedited letter to Dr. James Jurin, October 5, 1724, Mather describes this book as "a work of above Thirty sheets," gives the title-page, and adds: "I may shortly attempt the publication of this Treatise in this Country" (*Royal Society Letter-Book*, M. 2. 56; Gay MS., fols. 254–255).

[6] Compare an anonymous communication (*A Faithful Account*, etc.) printed in the *Gazette* for October 23–30, 1721 (No. 101): "In *Africa*, the manner is,

Negro's generally Dy like rotten Sheep, when y^e^ *Small-Pox* getts among them, and this *Method of Safety* is not practised.[1]

And in another tract, prepared when the controversy was at its height, Mather repeats the Onesimus story, adds the testimony of "a Number of Africans," and asserts in plain terms that "some Years after he had receiv'd his first *African* Informations, he found publish'd in our *Philosophical Transactions*, divers Communications from the *Levant*, which, to our Surprize, agreed with what he had from *Africa*." [2]

Mather has always been accused of credulity. This time his easy faith was a better guide than Douglass's haughty contempt for unschooled empiricism. Inoculation was not taught to the people by the physicians. It was an old bit of medical folk-lore, which the doctors at last condescended to respect, as Jenner, many years afterwards, learned vaccination from a milkmaid. As for Douglass, who was never tired of calling Mather credulous, one feels a certain pleasure in hearing Hutchinson retort the adjective against him. Dr. Douglass, writes Hutchinson, "was credulous and easily received idle reports." [3] It is likewise rather exhilarating to find that Douglass's friend Cadwallader Colden, as late as 1753, rediscovered the fact that negroes from Africa had a story to tell about inoculation. Colden writes as follows in a letter of October 1st in that year:

> It has been commonly believed, that inoculation of the small pox was an invention of the Circassians. . . . But from what follows, it seems probable, that the practice is much older, and that it came from Africa originally, with the distemper itself. I have lately learned from my negroes, that it is a common practice in their country, so that seldom any old people have the disease. . . . It will be

That in a Village, where the *Small Pox* has already seized upon six or seven Families, and it is like to spread; presently all the rest of the Town at once, fetch the *Inoculation* from them. The Families first Infected, generally dye; But the *Inoculated Live*." Cf. p. 460, *infra*.

[1] From Mather's original draught (unpublished) in the possession of the American Antiquarian Society, p. 13. The title runs: "The Case of the Small-Pox Inoculated; further Cleared. To D^r^ James Jurin." Mather mentions this document in letters to Jurin on May 21 and August 3, 1723, and October 5, 1724 (*Royal Society Letter-Book*, M. 2. 36, 45, 56; Gay MS., fols. 178, 211, 255).

[2] *An Account of the Method and Success of Inoculating the Small-Pox in Boston in New-England* (London, 1722), 1–2 (dated at the end, "*Sept.* 7, 1721"). This tract is certainly by Mather, as will be shown presently (pp. 444 ff., *infra*).

[3] *History*, 2d ed., 1768, II. 273.

objected, how comes this not to have been sooner discovered, since so many negroes have been for near one hundred years past all over the colonies. But it is not to be wondered at, since we seldom converse with our negroes, especially with those who are not born among us.

Before despatching his letter, however, Colden had come upon evidence that deprived his discovery of all claim to be regarded as novel, so that he was forced to append a note:

Turning over accidentally, a little pamphlet, printed at Boston, in 1722, since I wrote what is above, I find, that some negroes in Boston, had at that time asserted, that inoculation of the small pox was common in their country.[1]

What the "little pamphlet" was we can hardly determine. Perhaps it was Douglass's *Inoculation Consider'd*.

## II. THE "LITTLE TREATISE" ON THE SMALL-POX. 1721.

On June 22, 1721, — about a fortnight after the date of the *Address to the Physicians*, but before the first inoculation had taken place in Boston, — Mather made an interesting entry in his *Diary:*

I prepare a little Treatise on the *Small-Pox*; first awakening the Sentiments of *Piety*, which it calls for; and then exhibiting the best Medicines and Methods, which the world has yett had for the managing of it; and finally, adding the new Discovery, to prevent it in the way of Inoculation. It is possible, that this Essay may save the *Lives*, yea, and the *Souls* of many People. Shall I give it unto the Booksellers? I am waiting for Direction.[2]

This sounds as if the work were almost ready for the printer.

Just a week later, on June 29,[3] Mather records: "I am writing for *London*, and sending more Things to serve the Kingdome of God."[4] One of these "things" was almost certainly *The World Alarm'd*, addressed to John Chamberlayne, F.R.S., and in-

[1] Colden's letter was printed in the *American Museum* for January, 1788 (Philadelphia). The passages quoted may be found in III. 58.

[2] *Diary*, II. 627–628.

[3] *Diary*, II. 628.

[4] For similar language with regard to communications to the Royal Society, cf. *Diary*, December 3, 1713 (II. 265–266).

tended as a communication to the Royal Society.[1] Another, we may conjecture, was the *Little Treatise*, which may well have been finished in the meantime.

However this may be, there are good grounds for believing that the *Little Treatise* was sooner or later brought to an end, and that, though never published, it is still extant in Mather's own handwriting.

We note, in the first place, that the contents of the *Little Treatise*, as they are specified in the *Diary*, fit to a nicety the scheme of *The Angel of Bethesda* outlined by Mather on December, 26, 1720, in a letter to John Winthrop (H. C. 1700). "I am at this time," so runs the letter, "at work upon an Essay, which I shall entitle, THE ANGEL OF BETHESDA." By "essay" Mather does not mean a brief tract, for, on the same occasion, he informs his correspondent that "the Book will be more than a Dozen sheets, and the publication will be expensive." [2] The plan is thus sketched: "I do upon most of the Distempers commonly afflicting the children of Men, offer the *Sentiments of Piety*, which the Distempered are thereby the most Naturally, and Rationally and Religiously to be led unto. But then upon each Article, I subjoin such powerful and parable specificks, as in my Reading or otherwise, I have mett withal for the cure of these Maladies; with proper cautions upon occasions." [3]

Collating this programme with the description of the *Little Treatise* in the Diary (fortunately a full and precise description), we are struck by the exactness with which they correspond. The *Little Treatise* on the smallpox consisted of three parts or sections: the first was to "awaken the Sentiments of *Piety*, which it calls for"; the second to "exhibit the best Medicines and Methods"; and the third to "add the new Discovery," — inoculation. We know that Mather was engaged upon *The Angel of Bethesda* from December, 1720 (the date of the letter to Winthrop), until February, 1724 (when he records its completion).[4]

[1] The date at the end is June 10, 1721. Cf. *Diary*, June 15, 1721 (II. 626–627). The tract was published at Boston between June 22 and 26 (see *News-Letter*, No. 906). See also *Publications of the Colonial Society of Massachusetts*, XIV. 95, note 2.

[2] Later it grew to thirty sheets (see p. 438, note 5, *supra*).

[3] 4 *Collections*, VIII. 445–446.

[4] *Diary*, February 20, 1724 (II. 698): "My large Work, entituled, THE ANGEL OF BETHESDA, is now finished." Evidence of Mather's continual occupation with the book may be seen in letters to Winthrop, February 12 and April 23, 1722,

Manifestly the *Little Treatise* (whether or not it should get into type in the interim) was to form a part of *The Angel of Bethesda* whenever that extensive work should be offered to the public.

We turn, therefore, to the manuscript of the *Angel* with high hopes of finding something that shall agree in form and contents with the *Little Treatise*. Nor are we disappointed. What we seek lies before us in Chapter XX, which is entitled "*Variolæ triumphatæ*. The Small-Pox Encountred." [1]

The chapter, though not formally so divided, falls, on inspection, into two well-marked portions of unequal length (pp. 112–141 and pp. 142–147). These I shall call, for convenience, Part One and Part Two. Part One (pp. 112–141) was composed, as internal evidence proves, *after* the epidemic of 1721 was under way, but *before* Zabdiel Boylston had performed his first inoculation, — that is, before June 26, 1721.[2] It is (or rather, *was*) complete in itself, for it ends some distance from the bottom of p. 141 with the words "*I have done.*" These words, however, are cancelled, and the Chapter goes on to Part Two (pp. 142–147). Part Two was manifestly written after November 14, 1721, for it mentions, near the beginning,[3] the attempt to assassinate Mather by means of a "fired *Granado.*" [4] For the present, then, we must concentrate our attention on Part One (pp. 112–141).

This portion of the chapter, since it was composed before June 26, 1721, may be expected to coincide, to some extent, with the *Little Treatise* which Mather, as the *Diary* indicates, was preparing (and doubtless had nearly finished) on the 22d of that month, and which we have seen some reason to believe he sent to England on or about the 29th. Expectation is not deceived. The coincidence is so complete as to be almost startling.

The *Little Treatise*, we remember, is described in the *Diary* as consisting of three sections: (1) "the sentiments of piety"; (2) "the best medicines and methods"; (3) inoculation. There

January 10, 1723, and April–June, 1723 (4 *Collections*, VIII. 450, 452, 454, cf. p. 469, note 4, *infra*).

[1] See p. 455, note 1, *infra*.

[2] Boylston, *Historical Account*, London, 1726, 2 (2d ed., 1730, p. 2).

[3] MS., p. 142: "I myself had thrown into my House in the Dead of the Night, a fired *Granado*," etc.

[4] The grenade was thrown into Mather's house about 3 o'clock, A. M., November 14, 1721 (*Diary*, II. 657).

could be no more accurate description of Part One of Chapter XX. I append an analysis:

I. Pages 112–119 of *The Angel of Bethesda* are devoted to religious reflections on the smallpox. The test-phrase "sentiments of piety" occurs with emphasis on p. 113: — "The *Sentiments of PIETY* to be raised in & from this *Grievous Disease*, are what I am first & most of all to be now concerned for." The section ends in the middle of p. 119, the lower half of which is blank.

II. Pages 120–133 are devoted to methods and medicines. The "Sydenhamian Method" of treating smallpox[1] is expounded in twenty "aphorisms," which are followed by therapeutic material from Woodman, Pitcairn, and Woodward.[2] The beginning of this section is actually designated by a Roman numeral "II" (p. 120). The section ends at the bottom of p. 132. The next page (133) is blank at the top and bottom, but contains, in the middle, a few sentences which effect a transition to the third section.

III. Pages 134–141 are marked off as a distinct section by the title "Appendix" at the top of p. 134. They treat solely and merely of inoculation. The section begins: "There has been a *Wonderful Practice* lately used in Several Parts of the World, which indeed is not yett become common in o^r^ Nation." Mather then tells how he was "first instructed in it" by his "*Guramantee*-Servant," — "some years" before he read Timonius and Pylarinus; cites the concurrent testimony of "a Considerable Number" of Africans;[3] and goes on to give his abstract of Timonius and Pylarinus, — the same that he had previously embodied in his *Address to the Physicians*.[4] Then, after a short but sturdy flight in the regions of speculative ætiology, he closes (on p. 141) with a peroration adapted

[1] Mather had become acquainted with this method in 1702, and had then "pressed the Physicians to come into it, and the Success was answerable. Few died in comparison of the numbers formerly destroyed" (*Letter to Woodward*, July 12, 1716).

[2] The Woodward material seems to have been inserted after the rest of this part of the Chapter had been composed. It is labelled "Mantissa" and is on a sheet that differs in size from the others. It occupies pp. 130–132. The fourth page of the sheet (133) contains transitional matter leading up to the treatment of inoculation.

[3] See p. 431, *supra*, for Mather's exact words.

[4] Our knowledge of the shape which the abstract wore in the *Address* is derived from the Boylston tract, in which (as the introduction avers) that abstract is "chiefly taken" from the *Address*. The differences between the text in the Boylston tract and the text in the *Angel* are slight. The most notable variation consists in the presence of certain Latin quotations in the *Angel*. These doubtless stood in the *Address*, but were omitted in the Boylston tract because the latter was meant for the general reader.

from that of the same *Address* and ending with the words "I have done." Thus, at some distance from the bottom of the page, the section is concluded, and with it Part One of Chapter XX.

The analysis speaks for itself and makes further argument nugatory. The *Little Treatise* described in Mather's *Diary* for June 22, 1721, is not lost; it lies before us in pp. 112–141 of *The Angel of Bethesda*. So much may now be taken as proved.

Another fact emerges from the analysis. In composing the *Little Treatise* toward the end of June, Mather utilized, for his account of inoculation, the *Address to the Physicians* which he had prepared early in the month. For pp. 134–141 of *The Angel of Bethesda* (which coincide with the third section of the *Little Treatise*) have already been fully considered by us and have turned out to be nothing more or less than an adaptation of the famous *Address*.[1]

Thus we have a wheel within a wheel. The *Address to the Physicians* was incorporated in the *Little Treatise* when the latter was composed, on or about June 22, 1721; and, somewhat later, the *Little Treatise* (including the *Address*) was incorporated in Chapter XX of *The Angel of Bethesda*, forming Part One of that Chapter (pp. 112–141). In these successive acts of incorporation a few changes and some cancellations were of course necessary, but they were trifling, and in no wise interfere with our experiments in the higher criticism.[2]

To the Part Two of Chapter XX (pp. 142–147) we shall have occasion to revert in due season. Meantime another "lost work" of Cotton Mather awaits us.

## III. An Account of the Method and Success of Inoculating the Small-Pox.

What passes for a lost work of Cotton Mather appears under his name in Dr. Haven's list for 1721:[3] "An Account of the Method and further Success of Inoculating for the Small Pox

[1] See pp. 433 ff., *supra*.

[2] Mr. Ford finds a probable hint of *The Angel of Bethesda* in Mather's *Diary* as early as 1693 (I. 163); but the first mention of it as a settled project occurs in a letter to John Winthrop (H. C. 1700), December 26, 1720 (4 *Collections*, VIII. 445–446). In the interim Mather had doubtless made collectanea. It is quite possible that some portions of Part One were drawn up (in the form of notes) before 1721; but that would not affect the present argument.

[3] In his edition of Thomas's *History of Printing*, II. 390.

in London. 8vo. Boston." Sabin copies this title, changing the date from 1721 to 1714, and appending the remark: "Thomas [1] says there were two editions, but I have been unable to find either." [2] Mr. Sibley follows Sabin, quoting his note about the "two editions"; but, though he keeps Sabin's date of 1714, he enters the book among those of 1721, adding that Samuel Mather puts it under that year.[3] Nobody professes to have seen the volume,[4] and both Sabin and Sibley take pains to indicate that they have never set eyes upon it.

Here is a rather pretty bibliographical puzzle. I believe, however, that we can untangle it.

First of all, we must eliminate Sabin's date, 1714. For it was simply impossible for Cotton Mather, before 1721, to write any account whatever of inoculation as practised in London. In April of that year, Lady Mary Wortley Montagu's infant daughter was inoculated by Charles Maitland, a surgeon, and this was the first case of the kind in England, so far as the physicians of the period were aware.[5] True, the practice was of long standing among the people of Pembrokeshire, in South Wales. Credible evidence from that region carries it back almost to the beginning of the century. One old man, indeed, who died in 1722, declared that inoculation "was used all his Time," and that he well remembered his Mother's telling him that it was a common Practice all her Time, and that she got the Small Pox that way." But these Welsh testimonies were not made public until 1723,[6] nor have they any pertinency in our present investigation. Whether Sabin's 1714 is a misprint, or whether he was momentarily misled by the fact that the

[1] That is, of course, Dr. Haven.

[2] *Dictionary of Books relating to America*, XI. 387.

[3] *Harvard Graduates*, III. 134 (No. 356).

[4] Mr. Charles Evans (*American Bibliography*, I. 297) adds nothing to Haven and Sabin except the erroneous note, "Not given by Sibley."

[5] Daniel Neal, in his *Historical Introduction*, prefixed to *A Narration of the Method and Success of Inoculating the Small Pox in New England* (London, 1722), 5; Douglass, *Dissertation*, 1730, 2–3; cf. Boyer, *Political State* for August, 1721 (XXII. 196) and for March, 1721–2 (XXIII. 336–337); George Harris, *Life of Lord Chancellor Hardwicke*, I. 116–117. Dr. William Black erroneously puts the Wortley Montagu case in 1722 (*Observations Medical and Political on the Small-Pox and Inoculation*, London, 1781, 27).

[6] See Jurin, *A Letter to the Learned Caleb Cotesworth, M.D.*, London, 1723, 23–31 (also in *Philosophical Transactions*, No. 375, for January–February, 1723, XXXII. 262–269).

letter of Timonius appeared in that year, we cannot tell. Nor is the question of any moment. What is absolutely certain is that 1721 (which stands in Haven) is the earliest conceivable date for any such tract. Again, the statement of Sabin that "Thomas" (*i. e.*, Haven) "says there were two editions," is surely a mistake. Haven makes no such assertion; he merely enters the title under 1721, but offers no further information. Sabin's error, I presume, came from some confusion with an entirely distinct entry in Haven, under this same year, 1721: "Mather, Increase. Some further Account from London of the Small Pox inoculated; with some further Remarks on a late scandalous Pamphlet entitled Inoculation, &c. 2d ed. 16 mo, pp. 8. Boston." [1] At all events, there is no foundation for the

[1] Haven's Thomas, II. 391. This little tract has no title-page. The title is at the head of p. 1: "Some further Account from *London*, of the *Small-Pox Inoculated*. The SECOND EDITION. With some Remarks on a late Scandalous Pamphlet Entituled, Inoculation of the Small Pox as practis'd in Boston, &c. By *Increase Mather*, D.D." The colophon runs: "*BOSTON:* Printed for *J. Edwards*, at the Corner Shop on the North-side of the Town-House. 1721." The tract consists of two parts. The first part (pp. 1–4) gives an abstract of Dr. Walter Harris's *De Inoculatione Variolarum*, and is signed "Increase Mather." This abstract of Harris's discourse had already been published (under Increase Mather's signature, and with the date "*Jan.* 31. 1721," *i. e.*, 1722) in *The Boston Gazette* for January 29–February 5, 1722 (No. 115), with the title "Some further Account of the *Small Pox* Inoculated." (See also Cotton Mather's remark in his *Diary*, February 2, 1722, II. 675: "Much good may be done, by making an Extract of Dr. *Harris's* Prælection, *De Inoculatione Variolarum;* and publishing of it here." Cf. Fitz, 323, note 47.) This publication in the *Gazette* on February 5, 1722, was the only *first edition* of the tract. Two days later, on February 7, the abstract was issued as a pamphlet, and to this issue (designated as "THE SECOND EDITION," since it was in fact the *second appearance* of the abstract) were appended "some Remarks" on Douglass's *Inoculation of the Small Pox as practised in Boston*, — an anonymous tract (of which, however, the authorship was well known), issued on January 13, 1722. See Green, *History of Medicine in Massachusetts*, 58–59.

The exact date of the publication of the "second edition" (the *first* in pamphlet form) is ascertained from *The New-England Courant* for February 5–12, 1722 (No. 28), in which this "second Edition" is advertised as "Just Publish'd" and which also contains the following communication from Douglass:

"To Dr. *C. M.*

*SIR* Boston, Feb. 10.

*YOUR Remarks* &c. *in a little Pamphlet published, last Wednesday requires no other Answer but this, Ill language and brutal Manners reflect only on those who are guilty of them.* Yours,

*W. D.*

Douglass, we observe, ascribed the *Remarks on a late Scandalous Pamphlet* (first appended to Increase Mather's abstract in this so-called "second edition") to Cotton Mather, and retorted accordingly. February 10, 1722, was Saturday;

statement that there were two editions (or that Thomas so asserts) in the case of the tract that we are considering.

Having thus cleared the ground a little, we may take up Mr. Sibley's note to the effect that, in Samuel Mather's list, "An Account of the Method and further Success of Inoculating for the Small Pox in London" is entered under 1721. This observation involves an error which (though venial) is of considerable moment in our problem. *The title, as recorded by Samuel Mather, does not contain the words "in London."* What he gives, as the last of his father's publications for 1721, is simply "An Account of the Method and Success of Inoculating the *Small-Pox*." [1] This, then, is the title, and this is the date, which alone rest upon authority, — and the authority is good, too, for Samuel Mather is simply reproducing an entry in Cotton Mather's own manuscript catalogue of his published works.[2]

There can, then, be no sort of doubt that, before the end of 1721 (*i. e.*, before March 25, 1722), Cotton Mather had written and published a work entitled *An Account of the Method and Success of Inoculating the Small-Pox*. The position of the title at the end of Samuel Mather's list for 1721 (which is roughly chronological) tends to prove that the book was written in the latter part of the year.

There is every probability *a priori* that this work dealt with the practice of inoculation *in New England*, and probability is raised to certainty by the following passage in Mather's *Diary* for August 17, 1721:

> The Notable Experience I now have of this New Method, for the Saving of many Lives, yea, and for the Abating and preventing of Miseries undergone by many who do live, and survive an horrible Distemper, enables me to recommend the matter so, that I hope it may be introduced into the English Nation, and a World of good may be done to the miserable Children of Men. I take the Matter into Consideration.[3]

"last Wednesday," therefore, was February 7. For further remarks on Increase Mather and his abstract of Harris, see [Douglass,] *The Abuses and Scandals*, 1722, [iv,] 10; [Isaac Greenwood,] *A Friendly Debate*, 1722, 11, 12, 17, 20; [Douglass,] *Postscript to Abuses, &c.*, [1722,] 8. For the day of publication of Douglass's *Inoculation as practised in Boston*, see p. 436, note 3, *supra*.

[1] Samuel Mather, *Life of Cotton Mather*, 1729, 175.

[2] *Ib.* 160.

[3] *Diary*, II. 638.

From this entry it is clear that the book contemplated was to be addressed to an English rather than an American audience; that its aim was to further inoculation in the mother country; and that, if it was ever written at all, it was sent to England for publication. The most obvious person to whom to send it was Jeremiah Dummer, with whom (as we know) Mather was this year in correspondence,[1] and who had recently procured the printing of his *Christian Philosopher*, — Mather's latest publication on the other side of the water.[2]

We are to look, therefore, for some book that fulfils these conditions. Such a volume exists, and there is a copy in the Surgeon-General's Office at Washington and in the British Museum. The title-page reads as follows: *An Account of the Method and Success of Inoculating the Small-Pox, in Boston in New-England. In a Letter from a Gentleman there, to his Friend in London. London: Printed for J. Peele at Lock's-Head in Paternoster Row, M.DCC.XXII.* This printed letter is dated at the end "*Boston* in *New-England*, *Sept.* 7, 1721," — which accords admirably with the date in the *Diary* (August 17, 1721) on which Mather recorded his project. Prefixed is a dedication "To Sir *Hans Sloane*, President. And to the Rest of the College of Physicians." It is signed "JER. DUMMER," and is dated "*Feb.* 23, 1721," *i. e.*, of course, 1722. Dummer begins with the following significant sentences:

I Receiv'd the following Account of the Method and Success of inoculating the *Small-Pox* in *New-England*, from a Person there, of great Learning and Probity, who desir'd his Name might be conceal'd;[3] having no other View, than a charitable Inclination of doing Good to the World. It seemed to him (as I must freely own it does to me) a Matter of great Importance to the Welfare of Mankind; and if you, Gentlemen, shall be in the same Sentiment, I have no doubt, but it will find your Favour and Encouragement.

These words echo what Mather had written in his Diary for August 17, — "to recommend the matter so, that I hope it may

[1] *Diary*, July 20, 1721 (II. 632).

[2] *Publications of the Colonial Society of Massachusetts*, XIV. 98, and note 5.

[3] In the copy of this tract in the Surgeon-General's Office, the name "W^m Tumain" is written with a pen, in a contemporary hand, on p. 27, between the words "Your hearty Friend, and Servant" and the "*FINIS*." No such signature appears in the British Museum copy. It must be either a random shot or an intentional mystification. *Tumain* appears to be a *vox nihili*.

be introduced into the English Nation, and a World of good may be done to the miserable Children of Men." We may suspect that Dummer is utilizing certain phrases that occurred in a private letter accompanying the document. The manuscript was doubtless sent to England soon after September 7, 1721 (its date), and it may have been brought to Sloane's notice before November 28. For it is a fair conjecture that he refers to it in a letter written to Richard Richardson, M.D., on that day:

> Seventy have been inoculated at Boston in New England, whereof two have died, the rest recovered, and concerning this there will be (I am told) an account published very soon, and the objections against this practice will be answered.[1]

Sloane was profoundly interested in inoculation,[2] and perhaps he defrayed the cost of printing.

Nobody who is acquainted with the literary style of Cotton Mather can read this anonymous tract through without being convinced that every word of it is from his pen. General considerations, however, are not the only proofs to which we can appeal. A host of parallel passages may be adduced to establish his authorship.

The tract begins as follows:

> A Gentleman well known in the City of *Boston*, had a *Garamantee* Servant, who first gave him an Account, of a Method frequently used in *Africa*, and which had been practis'd on himself, to procure an *easy Small-Pox*, and a perpetual Security of neither *dying* by it, nor being again infected with it.
>
> Afterwards he successively met with a Number of *Africans*; who all, in *their* plain Way, without any Combination, or Correspondence, agreed in *one Story*, *viz.* that in their Country (where they use to die like *Rotten Sheep*, when the *Small-Pox* gets among them) it is now become a *common Thing* to cut a Place or two in their Skin, sometimes one Place, and sometimes another, and put in a little of the Matter of the *Small-Pox*; after which, they, in a few Days, grow a *little Sick*, and a few *Small-Pox* break out, and by and by they dry away; and that no Body ever dy'd of doing this, nor ever had the *Small-Pox* after it: Which last Point is confirm'd by their constant Attendance on the Sick in our Families, without

[1] Nichols, *Illustrations of Literary History*, I. 278.

[2] See his paper in the *Philosophical Transactions*, XLIX. 516–520, and cf. Nichols, *Illustrations*, I. 277–279, 280.

receiving the Infection; and, so considerable is the Number of these in our Neighbourhood, that he had as evident Proof of the *Practice*, *Safety*, and *Success* of this Operation, as we have that there are *Lions* in *Africa*.

After this, he heard it affirm'd, That it is no unusual Thing for our Ships on the Coast of *Guinea*, when they ship their Slaves, to find out by Enquiry which of the Slaves have not yet had the *Small-Pox*; and so carry them a-shore, in this Way to give it to them, that the poor Creatures may sell for a better Price; where they are often (inhumanly enough) to be dispos'd of.

Some Years after he had receiv'd his first *African* Informations, he found publish'd in our *Philosophical Transactions*, divers Communications from the *Levant*, which, to our Surprize, agreed with what he had from *Africa*.[1]

Who but Cotton Mather is likely to have written this? It is simply a more concise and finished repetition (in the third person, for anonymity's sake, and with some additions) of what he had written to Dr. Woodward on July 12, 1716. I have already quoted that letter,[2] for another purpose, and have shown that it was utilized by Mather himself in his *Angel of Bethesda*.

Then follows, in the tract which we are examining, an abstract of Timonius and Pylarinus. It agrees, almost word for word, with the abstract (known to be Mather's) that stands in the Boylston pamphlet.[3] "After these Communications," our tract continues, "and the Thing *establish'd in the Mouths of two such Witnesses*, we met with some ingenious Travellers, who knew so much of the Matter, as very much to confirm the Ideas we had entertain'd of it."[4] Compare Mather's letter to Woodward (July 12, 1716), in which, after mentioning "the account" which Woodward "had from D^r^ Timonius," the writer speaks of the "method" as one "which I perceive also by some in my neighbourhood lately come from thence [*i. e.*, from Constantinople], has been for some time successfully practised there."

I add a number of parallels between the Boylston pamphlet (already shown to be in the main from Mather's pen) and the tract which we are discussing.

[1] Pp. 1–2.

[2] P. 422, *supra*.

[3] See pp. 428–429, *supra*. The Latin quotations occurring in the abstract in *The Angel of Bethesda*, but omitted in the Boylston pamphlet (see p. 443, note 4, *supra*), are found in our tract.

[4] P. 7.

*Boylston Pamphlet*

The Author of these *Abridgments* address'd them unto those, who had the *Originals* in their Hands; and therefore it cannot be thought, that it was not as *Faithful a Report* as he could make of the matter; But it having been insinuated, that there might be a more full and perfect Relation, &c. (p. 10)

We are informed that there is now and then, but very rarely, a little Abscess in some Emunctory of the Body:[1] but we have met with no such thing in our Practice, and we think when such did, or may happen, that it was, or may have been from neglect, or want of Skill in the Practitioner: nor have our Patients hitherto had the Boils and other Swellings which are common in the ordinary Small Pox, so much less is the Blood and other Juices corrupt in this, than the ordinary way. Now to form a Cry of the *Plague* on this occasion, as if the Practice would bring the *Plague*: This is so excessively ridiculous, that it is a wonder any People can think, much less, talk so. (pp. 12–13)

They that have hitherto been under the Operation among us, agree in declaring, that they have suffered in a manner *nothing*; and that they would rather undergo it *several times*, than so

*Account, etc.*

His Address found . . . an *indecent Reception* with our Physitians; all the Return he had, was a Story which they spread about the Town and Country, that he had given an *unfaithful Account* of the Matter to them, tho' they had it in the printed *Philosophical Transactions* before their Eyes to justify it. (p. 9)

*Pylarinus* had said, *That sometimes an Abscess happen'd in some Emunctory of the Body; which yet* (he said) *was a rare Occurrence.* Now, tho' our Gentlemen knew, that this is a Thing which *daily occurs*, among People recovering from the *Small-Pox* in the *ordinary Way*; (and we had never seen any Thing of it in our *incisious Way*) yet they rais'd a horrible Cry of *Raw Head and Bloody-Bones*, that the *Inoculation* of the *Small-Pox* would bring in the *Plague* among us. (p. 14)

None of the *inoculated* Patients have yet had any of those *Boils*, which People, recover'd of the *Small-Pox* in the *ordinary Way*, are commonly vexed withal. (p. 21)

They zealously gave Thanks to God, for leading them into it; and seriously profess'd to their Neighbours, that they had rather suffer the Operation *twice* every

[1] Here, in the Harvard College copy, Dr. T. L. Jennison makes the following manuscript note: — "It is so: & desirable too. It happened to the writer of this note. He was innoculated 5 times, thrice needlessly."

much as once undergo the *Small Pox* as 'tis generally suffered in the common way; tho' they should be sure of surviving it. And some of them (who are very *religious People*) have publish'd to the World, their Thanks to Almighty GOD, for shewing them this way to escape Death and Misery. (p. 13)

The Objection here is, *I make my self Sick, when I am Well.* But I again say, Will any Man decry all *Preventing Physick*, as Unlawful? Why do our Physicians encourage People every *Spring* and *Fall* to take it? Don't People take the *Poison* of a *Vomit* into their very *Stomachs*, to *prevent* a Sickness a thousand times less to be feared, than the *Small Pox*? (p. 19)

It is *Cavilled* (for to say, *Objected*, would be too easy a word for such Impertinence) that this *New Way* comes to us from the *Heathen*, and we *Christians* must not *Learn the Way of the Heathen.* I Enquire, whether our *Hippocrates* were not an *Heathen?* And whether our *Galen* were not an *Heathen?* And whether we have not our *Mithradate* from the *Heathen?* And whether the first Inventer of our *Treacle* were not *Nero's* Physician? And whether we have not learnt some of our very Good Medicines from our *Indians*? . . . And, Gentlemen Smoakers, I pray, whom did you learn to Smoke of? (p. 21)

Year, than *once* to undergo the *Small Pox*, as it is most *commonly suffer'd*, tho' they should be sure of surviving it. (p. 15)

They plead, That *the Whole have no Need of a Physician*; and that it is not lawful for me to *make myself sick, when I am well*; and bring a *Sickness* on myself; no, tho' it be to *prevent a greater Sickness.* Tis to no Purpose to tell them, that they cavil against the Use of all *preventing Physick*; and that they confute themselves as often as they take a *Vomit*, or use a *Blister*; [&c.] (pp. 23–24)

They plead, *That what is now done, is a Thing learnt from the* Heathens; *and it is not lawful for* Christians *to learn the Way of the* Heathen. 'Tis to no Purpose to tell them, that *Hippocrates*, and *Galen* were *Heathen*; and that the Gentleman who invented the blundering (but strangely useful) Composition, call'd *Venice-Treacle*, was an *Heathen*, who was Physician to no better a Man than a *Nero:* And from whom is it that we have our *Mithridate?* And how many noble *Specificks* have we *learnt* from our *Indians?* And from whom did they *learn* to smoak *Tobacco*; or drink *Tea* and *Coffee?* (p. 24)

Another set of parallels may be brought to bear on the question. Cotton Mather, as everybody knows, was so shocked and outraged by the frenzied opposition to the inoculating experiment that he verily believed Satan had entered into Boston and the citizens were possessed with the devil. This idea comes out repeatedly in his *Diary*. Now the same notion is emphatically stated in the *Account*, and that too in language which closely resembles Mather's most private ejaculations. Take, for example, the following utterance in the printed tract:

I never saw the Devil so *let loose* upon any Occasion. A *lying Spirit* was *gone forth* at such a Rate, that there was no believing any Thing one heard.[1]

Compare Mather's *Diary*, August 28, 1721:

This miserable Town, is a dismal Picture and Emblem of *Hell*; *Fire* with *Darkness* filling of it, and a *lying Spirit* reigning there.[2]

And again, under October 1:

It is a Time, when people are strangely abandoned unto a froward, raging, lying Spirit.[3]

Reverting to the *Account*, we read:

That which much added to the Misery, was, that the People who made the *loudest Cry*, . . . had a very *Satanic Fury* acting them. They were like the *possess'd People* in the Gospel, *exceeding fierce*.[4]

And again the author speaks of the Bostonians as "giving all the Signs of a *Satanic Energy* upon them." [5] So in his *Diary* for July 30, 1721, Mather writes of "the Satanic Fury that is now raging," [6] and under date of July 18 he speaks of "the cursed Clamour of a People strangely and fiercely possessed of the Devil," [7] alluding to the very text which the author of the *Account* quotes when he says, "They were like the *possess'd People* in the Gospel, *exceeding fierce*." [8]

[1] *Account*, 16. [2] II. 641.
[3] II. 651. [4] *Account*, 17.
[5] P. 25. *Energy*, of course, is used in the special sense of "demoniacal possession" (cf. *ἐνεργούμενοι*, "energumens," "demoniacs"), — a meaning which has escaped the editors of the *Oxford Dictionary*.
[6] II. 635. [7] II. 632.
[8] *Matthew*, VIII. 28: "There met him two possessed with devils, coming out of the tombs, exceeding fierce." Other pertinent passages in the *Diary* are July 21, 27, 30, August 1, 6, 22, 24 (II. 633, 634, 635, 636, 639).

One more parallel, and I have done with this enumeration, — not because material is exhausted but because it would be absurd to continue. In his *Diary* for July 16, 1721, Mather makes use of a rather impressive figure:

> The Destroyer, being enraged at the Proposal of any Thing, that may rescue the Lives of our poor People from him, has taken a strange Possession of the People on this Occasion.[1]

This metaphor is repeated by the author of the *Account:*

> The View of these Things caus'd some considerate Persons to think, whether the *Angel of Death* promising himself a great *Feast* in this miserable City, *it might not put him that had the Power of Death, that is, the Devil*, into a great *Rage*, to see coming in among us, a *Method* of rescuing many *Morsels* from him.[2]

Enough has doubtless been quoted to convince anybody that the *Account* is a product of Mather's pen. But I cannot close this part of the argument without bringing forward one more bit of evidence. On pp. 7–8 of the *Account* occurs the following extraordinary specimen of figurative ætiology:

> Were one of an ordinary Capacity (for no better is he that is now writing) willing to try a little how far *Philosophy* might countenance the Matter: One might think, the venemous *Miasms* of the *Small-Pox*, entering into the Body, in the Way of *Inspiration*, are immediately taken into the Blood of the *Lungs*; and, I pray, how many *Pulses* pass, before the very *Heart* is pierc'd with them? And within how many more they are convey'd into all the *Bowels*, is easily apprehended, by all who know any Thing how the *Circulation of the Blood* is carry'd on; at the same Time the *Bowels* themselves are infeebled, and their Tone impair'd, by the *Venom* that is thus insinuated. Behold the Enemy at once got into the very *Center* of the Citadel; and the invaded Party must be very strong indeed, if it can struggle with him, and after all entirely expel and conquer him: Whereas the *Miasms* of the *Small-Pox*, being admitted in the Way of *Inoculation*, their Approaches are made only by the *Out-Works* of the *Citadel*, and at a considerable Distance from it. The Enemy, 'tis true, gets in so far, as to make some *Spoil*; even so much as to satisfy him, and leave no *prey* in the Body of the Patient, for him ever afterwards to seize upon; but the *vital Powers* are kept so clear from his Assaults, that they can manage the *Combat* bravely; and tho' not without a *Surrender* of those Humours in

[1] II. 632. [2] P. 18.

the *Blood*, which the Invader makes a Seizure on, they oblige him to *march out the same Way he came in*, and are sure of never being troubled with him any more. If the *Vermicular Hypothesis* of the *Small-Pox* be receiv'd with us, (and it be, as many now think, an *animaculated Business*) there is less of *Metaphor* in our Account, than may be at first sight imagin'd.

But to what Purpose is all this *Jargon?*

What New Englander but Cotton Mather can have excogitated this amazing metaphor? However, we need not appeal to general probabilities, for the whole passage may be read, almost word for word and in Mather's own handwriting, in *The Angel of Bethesda* (MS., pp. 140–141). There is but one conceivable explanation for such a coincidence: Cotton Mather, the author of *The Angel of Bethesda*, was likewise the author of the *Account*.

Even if the parallels were the sole evidence for Mather's authorship of the *Account*, the case might now be regarded as proved beyond a reasonable doubt. But they are not the sole evidence. We know, from Samuel Mather's list, that Cotton Mather did publish (either in 1721 or in January–March, 1722) a tract entitled *An Account of the Method and Success of Inoculating the Small-Pox*. And we have before us a pamphlet, actually published in 1722 (with a dedication by Jeremiah Dummer dated February 23, 1721[–2]), which bears the title *An Account of the Method and Success of Inoculating the Small-Pox in Boston*. In the dedication Dummer avers that he "received" the document "from a Person there [*i. e.*, in New England], of great Learning and Probity." Our parallels, then, have been adduced merely as *evidence of identity*. For this purpose alone were they needed, and for this they are more than sufficient.

And finally, to clinch the matter, we have a further statement by Cotton Mather himself, hitherto unpublished. In an autograph Catalogue of his communications to the Royal Society, which was enclosed in a letter to Dr. James Jurin, the Secretary, written on May 21, 1723, occurs the following conclusive entry:

An Account of the Method & Success of Inoculating the Small-pox. To M^r^ *Dummer*.[1]

[1] Catalogue of 1723, *Royal Society MS. Letter-Book*, M. 2. 36 (Gay MS., fol. 180). In the Loose Leaf List the article that corresponds in position with this is

This entry requires no commentary. It rounds off the demonstration with all the traditional neatness of a Q. E. D.

Mather's tract — for Mather's we may henceforth call it — appeared, as we have seen, under favorable auspices, — with an introduction by Jeremiah Dummer, who was highly esteemed in England, and with Sir Hans Sloane as its patron. Naturally, it attracted considerable attention in the mother country, which was just then deeply stirred on the subject of inoculation. Daniel Neal, for example, quoted it several times in 1722.[1] But an especially interesting use was made of it, in the same year, by Dr. Samuel Brady.

Dr. Brady was Physician to the Garrison at Portsmouth, England. He was a stanch champion of inoculation,[2] and tried it on his own children, four in number, on June 16, 1722.[3] The success of the experiment confirmed him in his opinion, and accordingly, in 1722, he gave to the press a pamphlet[4] in

designated as a letter to Dr. Woodward entitled "Variolæ Triumphatæ: or, The Small-Pox Inoculated." Probably this was the title which Mather gave to his manuscript. Dummer, we may infer, made the alteration, and when Mather, in 1723, drew up a Catalogue of his *Curiosa* to send to Jurin, he adopted the title under which the tract had been published in the meantime. That the same paper should be designated as a letter to Dummer in one list and as a letter to Woodward in another, need cause no difficulty. Dummer had before this been a medium of communication between the two (see Woodward's letter to Mather, April 3, 1721: 1 *Proceedings*, XIII. 110–111). Probably Mather requested Dummer to get the book printed if he could; if not, to pass it along to Woodward for the Royal Society. So Mather wrote to his brother Samuel, in 1715, with respect to the work afterwards published, through Dummer's efforts, under the title of *The Christian Philosopher:* "I renew my Request, that you would not lett my *Christian Virtuoso* be lost, but, if you know no better way to make it public Lett it pass thro' Dr. *Woodward*'s hand, into the Repository of the Royal Society" (*Diary*, II. 324). For the further history of this book, see *Publications of the Colonial Society of Massachusetts*, XIV. 98, note 5.

It is barely possible, however, that *Variolæ Triumphatæ* in the Loose Leaf List refers to the *Little Treatise* (see p. 440, *supra*). The title of Chapter XX of *The Angel of Bethesda* is "*Variolæ Triumphatæ.* The SMALL-POX Encountred" (see p. 442, *supra*). For a fact that makes against this alternative, see p. 476, note 2, *infra*.

[1] *Historical Introduction*, prefixed to *A Narrative of the Method and Success of Inoculating the Small Pox in New England. By Mr. Benj. Colman* [etc.] (London, 1722), 6, and notes on 25, 27.

[2] Cf. Dr. James Jurin's *Letter to the Learned Caleb Cotesworth, M.D.*, 1723, 5, 23 (also in the *Philosophical Transactions*, No. 374, XXXII. 213–227), and the same writer's *Account of the Success of Inoculating the Small Pox in Great Britain*, 1724, 10.

[3] Brady, p. 31, gives the date as "*Saturday, June* 16." The day of the week fixes the year as 1722.

[4] *Some Remarks upon Dr. Wagstaffe's Letter, and Mr. Massey's Sermon against*

defence of the new method, in the form of three letters to a friend, replying to a previous diatribe of Dr. William Wagstaffe,[1] Swift's friend and a famous wit,[2] and including many weighty arguments and observations.

Wagstaffe credulously accepted the sensational tales reported by Dr. Lawrence Dalhonde to the Boston selectmen, which had been printed in the London newspapers.[3] He also "had the perusal of some Letters, which Dr. *Alexander Stuart* has receiv'd from Dr. *William Douglass*, a Physician of the best Credit and Practice at *Boston*," and he appended extracts from them to his pamphlet.[4] Brady scouted the evidence of Dalhonde. "An obscure *Frenchman*," he calls him, "whose ridiculous Accounts certainly deserve the Contempt of all judicious Persons."[5] To the pro-inoculation reports from America, on the other hand, he lent a ready ear, since they came from

*Inoculating the Small-Pox: with An Account of the Inoculation of several Children; and Some Reasons for the Safety and Security of that Practice.* London, 1722. There is a copy in the Surgeon-General's Office at Washington. Brady's first letter is dated July 26, 1722, and his second July 30, 1722; the third is undated, but was obviously written after no long interval. The sermon by the Rev. Edmund Massey which Brady criticises was published in London in 1722, and there is a copy in the Surgeon-General's office and another (lacking the title-page) in the library of the American Antiquarian Society: — *A Sermon against the Dangerous and Sinful Practice of Inoculation. Preached at St. Andrew's, Holborn, on Sunday, July the 8th,* 1722.

[1] *A Letter to Dr. Freind; shewing the Danger and Uncertainty of Inoculating the Small Pox.* London, 1722. Dated at the end, "June 12. 1722."

[2] Wagstaffe's best-known work is *A Commentary upon the History of Tom Thumb* (2d ed., 1711), a parody of Addison's critique on *Chevy Chace*. He assailed Dr. Woodward in *A Letter from the Facetious D^r Andrew Tripe* (1719), in which he mentions the smallpox (38–40).

[3] Dalhonde's deposition is dated July 21, 1721 (sworn to on the 22d). It is printed by Boylston, *An Historical Account of the Small-Pox Inoculated*, London, 1726, pp. 58–61 (2d ed., Boston, 1730, 51–52). Neal, *Historical Account*, 7, informs us of the publication of Dalhonde's stories in "the News Papers here at *London*." For a curious traditional anecdote of Dalhonde, see Jennison, 236–237.

[4] The extracts are from letters of December 20, 1721; February 15, 1722; and April 27, 1722. The first of these three letters is that published by Douglass under the title, *Inoculation of the Small Pox as practised in Boston, Consider'd in a Letter to A—— S—— M.D. & F.R.S. in London* (Boston, 1722). The second is that published under the title, *The Abuses and Scandals of some late Pamphlets . . . Modestly Obviated* (Boston, 1722); but one of Wagstaffe's excerpts (p. 13) is taken from the postscript, which was issued separately (*Postscript to Abuses, &c. Obviated*, [1722]). The third letter has never been printed, so far as I know, except for the substantial portion which Wagstaffe gives.

[5] Pp. 13–14 (cf. pp. 17–18).

"Men of the greatest Judgment, Learning and Character there,"[1] and he had read Mather's *Account* and Dummer's dedication with interest and approval.[2]

One detail, however, in Mather's pamphlet was not to Brady's liking. It was the speculative, ætiological paragraph which I have already quoted, — that in which Mather personifies the smallpox as an enemy assailing and storming the citadel of the human body.[3] It is, in truth, grotesque enough, if considered from a scientific point of view, and of this Mather himself was fully aware, for he dismisses the subject without ceremony: "But to what purpose is all this *Jargon?* And of what Significancy are most of our *Speculations?*"[4] Here is Brady's comment on the paragraph:

> I come now, according to your Desire, to give you something of a rational Account of the Safety of this Method. You know what wretched Work the Gentleman makes of it, who writes the Letter from *New-England*, published by Mr. *Drummer*;[5] tho' otherwise a Man of Learning, and Sense, and aware of the Folly of attempting it: However, let us try.[6]

These animadversions are quoted by Mather's inveterate opponent, Douglass, with scandalous inaccuracy, in his *Dissertation concerning Inoculation* (1730):

> What wretched work (says Dr. *Brady*) the *Gentleman* (Dr. *C. M.*) who writes the Letter to Mr. *Dummer* from *New-England* makes of his accounts.[7]

Here Douglass, we observe, not only omits Brady's compliment to Mather as a "man of learning and sense," but he also garbles and misapplies the quotation in such fashion that it seems to be an adverse criticism on Mather's whole tract, not (as Brady meant it) on a single unimportant paragraph. Douglass was too opinionated to be fair, and he was a good hater.

However, we are not so much concerned with Douglass's perversity as with his parenthesis. Brady was, of course, quite ignorant of the name of "the Gentleman who writes the Letter to Mr. *Drummer*." But Douglass knew it,[8] and there-

[1] P. 15. [2] See pp. 18, 26. [3] P. 454, *supra*.
[4] *Account*, 8. [5] So printed. [6] P. 37.
[7] P. 7.
[8] The *New-England Courant* for May 14–21, 1722 (No. 42), contains an interesting mention of our tract, in the course of an unsigned article manifestly

fore he inserts the initials, — "Dr. *C. M.*" With this final confirmation of Mather's authorship we may drop the subject.

The relations between the *Account* and the *Little Treatise*[1] are very curious, — though perfectly natural when one considers their respective dates. The *Little Treatise* was finished before June 26, 1721. Its composition (that is to say) preceded Mather's first acquaintance with inoculation as an *operation in progress*. By September 7, however, — the date of the *Account*, — Zabdiel Boylston had inoculated more than thirty persons in Boston and vicinity,[2] not a single one of whom had died.[3] Mather had good reason, therefore, to regard the results as amply justifying the experiment, and he thought it his duty to further the practice not only in America but in the mother country. With this in view, he drew up the *Account* and sent it to Dummer for publication. Of course, he was at liberty to utilize such portions of the *Little Treatise* as seemed pertinent. Accordingly, as anybody may see for himself by comparing the two documents, he embodied in the *Account* a considerable amount of material that already stood in the *Little Treatise*, often copying word for word. Nearly the whole of the first eight pages of the *Account* consists of such repeated material, — including an abstract of Timonius and Pylarinus.[4]

from Douglass's pen: — "A Letter from Boston, bearing date the 7th Sept. last, was published in London last February; it was advertis'd in the News Papers thus, 'An Account of the Method and Success of Inoculating the Small Pox upon great Numbers of People (who all recovered) in New-England.' This Pamphlet, and its Dedication by Mr. *Jer. Dummer*, shall be considered at large in some subsequent Paper." I find nothing further on this matter in the file of the *Courant*.

[1] See pp. 440 ff., *supra*.

[2] Including September 7, the exact number was 35, as may be made out from Boylston's *Historical Account*.

[3] The first inoculated person to die was Mrs. Dixwell. She was inoculated on August 30, 1721, and on September 12 Boylston was still "in good Hopes of her doing well." Her death did not occur until the 24th. (Boylston, *Historical Account*, 2d ed., 1730, 9–10).

[4] Either Mather had sent the *Little Treatise* to London (see p. 441, above), or he had not. If he had not, it lay in his desk as MS., and he could properly make extracts from it in composing the *Account*. If he had sent it to London, he did not know whether or not it had been published. The chances were in the negative. But, even if it *had* been published, the scope of the two documents was so different that a certain amount of repetition would make neither of them superfluous. The *Account* did not cancel the *Treatise*.

## IV. A FAITHFUL ACCOUNT. 1721.

On October 30, 1721, there was printed in the *Boston Gazette* (No. 101) an anonymous article entitled: "A Faithful Account of what has occur'd under the late Experiments of the *Small-Pox* managed and governed in the way of *Inoculation*. Published, partly to put a stop unto that unaccountable way of Lying, which fills the Town & Country on this occasion; and partly for the Information & Satisfaction of our Friends in other places." The article is well characterized by Dr. Fitz as "a report of progress." It may also be regarded as a kind of supplement to the Boylston tract, which had come out between August 25 and September 24.[1]

Dr. Fitz ascribes the *Faithful Account* to Zabdiel Boylston.[2] No doubt Boylston furnished the author with material, but the man who actually wrote the article was beyond question Cotton Mather. The style is unmistakably his, not Boylston's. Here is a decisive specimen:

> Some, of whom the People have confidently affirmed, *That they died under the Inoculation*, have sent their dying Charges unto their Friends, *To hasten into it.* These Friends have done it; and so found their Account in it, and seen such *Easy Circumstances*, that the surviving Relatives of the Deceased are drowned in Tears, to think, how the *Lives* of *Theirs*[3] have been thrown away.

Mather's authorship of the *Faithful Account* was apparently an open secret in his own day. In the *New-England Courant* of December 4, 1721,[4] a correspondent, signing himself "Peter Hakins," describes it as "a Piece concerning Inoculation, wherein the Reverend Author publishes to the World what an abundance of Lying and false Reports have been spread."

## V. THE WAY OF PROCEEDING AND A FURTHER ACCOUNT.

The sixth paper in the *Philosophical Transactions* for January–March, 1722 (No. 370) is entitled, "*The Way of Proceeding*

[1] See p. 429, note 1, *supra*. [2] Fitz, 321. [3] A Latinism (*suorum*).

[4] No. 18. James Franklin, in this number, defends himself for having published "an Answer to a Piece in the *Gazette* of *October* 30," and, as a part of his case, reprints that "Answer," namely, the Hakins letter, which had already appeared in the *Courant*. It is not in No. 17 (November 20–27). Nos. 1–16 are not known to exist; but the first publication of the Hakins letter must have taken place not later than November 20.

*in the* Small Pox inoculated *in* New England. *Communicated by* Henry Newman, *Esq; of the* Middle Temple." [1] This was the Henry Newman (born in 1670) who graduated at Harvard College in 1687 and was librarian there from 1690 to 1693, but who afterwards removed to London, where he became agent for the College and for the Province of New Hampshire. He was also Secretary of the Society for Promoting Christian Knowledge and of the Society for the Propagation of the Gospel.[2] Mr. Sibley supposed Newman to be the author of the article just mentioned,[3] and it is ascribed to him in Maty's *Index*.[4]

The ascription is certainly erroneous. In the first place, the paper is designated in the *Transactions*, not as *written* by Newman, but as *communicated* by him, a formula especially used when a letter or essay was handed in or read by some person other than the author. Thus the epistle of Timonius was "communicated to the Royal Society by John Woodward";[5] and Paul Dudley's observations on Maple Sugar, the Moose, and the "Poyson Wood Tree" are labelled as "by the Honourable Paul Dudley, Esq; F.R.S. Communicated by John Chamberlayne, Esq." [6] Again, the very language of *The Way of Proceeding* shows that the writer lived in New England, and that he was personally acquainted with every detail of the practice of inoculation there. Further, we have the direct testimony of Dr. William Douglass (in his *Dissertation*, 1730) that the author was Cotton Mather. Douglass writes:

The best of Men have some *Foible*: that of Dr. *Mathers* was *Credulity*; it was upon his Authority that our *New-England Inoculation* was carried on. I shall mention a few Instances of this *weakness* from his own *Letters* concerning Inoculation published in *London*: in one Letter Dated *March* 1722 He tells the world, That *A.* 1721. in *Boston*, some *Cats* had a regular Small-Pox and died of it; that during the Small Pox, the Pigeons and Dunghill Fowls

[1] XXXII. 33–35. No. 370 was "printed . . . 1722" according to the colophon.

[2] *Harvard Graduates*, III. 389–394; Andrews and Davenport, *Guide to the Manuscript Materials*, 1908, 67, 404.

[3] III. 394.

[4] P. H. Maty, *A General Index to the Philosophical Transactions, from the First to the end of the Seventieth Volume*, 1787, 721.

[5] *Philosophical Transactions*, No. 339 (XXIX. 72).

[6] Nos. 364, 367, 368 (XXXI. 27, 145, 165). The word "communicated" is, however, not decisive (see, for example, XXIX. 52, 314, 326, 329).

did not lay nor hatch, *that he never knew Blistering miss of saving life in the Small-Pox, &c.* In his Letter communicated to the R. S. by Mr. *Newman* in favour of Inoculation he says, *the Patient is more healthy after Inoculation, it is usefull to Women in Child-bed, it dries up tedious running Ulcers, makes the crazy consumptive people hearty, and rids people of their former maladies.* Thus he makes a *Panacea* of it.[1]

To Mather's letter of March, 1722, which Douglass mentions first, we shall return in due season.[2] What concerns us now is, of course, the latter part of Douglass's paragraph, containing quotations from "his [Mather's] Letter communicated to the R. S. by Mr. *Newman.*" Douglass, as Dr. Green reminds me, had the reputation of being "always positive and sometimes accurate." This time he was accurate enough for all practical purposes. The sentences that he quotes occur, almost word for word, in the article communicated by Newman.[3]

Let us now turn to Mather's *Diary.* On November 24, 1721, he notes:

> I draw up the Method of Proceeding in the Inoculation of the *Small-Pox*, and communicate Copies of it, that so Physicians about the Countrey may know how to manage it.[4]

And on December 1, he remarks:

[1] *A Dissertation concerning Inoculation of the Small-Pox* (Boston, 1730), 8. The author's name does not occur on the title-page, but the dedication (to John Jekyll) is signed "*W. D.*," and there has never been any doubt that Douglass wrote the pamphlet. He repeated considerable passages from it in his *Summary* (an acknowledged work), where the passage just quoted appears in the following shape: — "Dr. *C. Mather*, who first set up Inoculation in *Boston*, in his published Accounts of it, shows what small Dependance there is upon weak Authorities, 'some Cats 1721 in *Boston* had a regular *Small-Pox* and died of it.' — During the *Small-Pox*, the Pigeons and Dunghill Fowls did not lay nor hatch. — He never knew 'Blistering miss of saving Life in the *Small-Pox*. — The Patient is more healthy after Inoculation, it is useful to Women in Child-bed, — it dries up tedious running Ulcers, — makes the Crazy Consumptive People hearty, — and rids People of their former Maladies" (II. 411, 1751).

[2] See pp. 475 ff., *infra.*

[3] "The Patient gets abroad quickly, and is most sensibly *Stronger*, and in *better* Health than he was before. The Transplantation has been given to *Women in Child-bed*, Eight or Nine Days after their Delivery; and they have got earlier out of their Child-bed, and in better Circumstances, than ever in their Lives. Those that have had ugly *Ulcers* long running upon them, have had them healed on, and by this *Transplantation.* Some very feeble, crazy, *Consumptive* People, have upon this *Transplantation*, grown hearty and got rid of their former Maladies" (*Philosophical Transactions*, No. 370, XXXII. 35).

[4] *Diary*, II. 660.

Having drawn up, the Way of Proceeding, in the *Inoculation* of the *Small-pox*, I communicate Copies of it unto the Physicians and others, in several Parts of the Countrey; that so they may be directed in the Practice of it, as there may be Occasion for it.[1]

Both entries manifestly concern one and the same document, and its title (*The Way of Proceeding in the Inoculation of the Small-Pox*) agrees almost exactly with that of the Newman paper (*The Way of Proceeding in the Small Pox Inoculated*). Further, the Newman paper consists of brief and precise directions and practical remarks. In other words, it corresponds to a hair with the paper described in the *Diary*.

We may now take it as proved that the Newman paper is Mather's, and that it is identical, to all intents and purposes, with the document which Mather mentions in his *Diary* for November 24 and December 1, 1721. Besides furnishing copies to the New England physicians, Mather had, it seems, sent a transcript to Henry Newman, who straightway communicated it, at Mather's request, to the Royal Society.[2]

But we are not yet at the end of our case. Between the entries of November 24 and December 1 (just quoted from Mather's *Diary*) stands another, of much interest, under date of November 30:

> Writing Letters for *Europe*, I send over many Things, that I hope, will serve the Kingdome of GOD. And particularly, among the rest, I write a further and a more distinct Account of the *Small-Pox Inoculated*, the Method and Success of it among us, and the Opposition to it; By which Means, I hope, some hundreds of thousands of Lives, may in a little while come to be preserved.[3]

There can be little doubt that the "many things" here recorded as sent over to Europe, included letters to the Royal

[1] II. 662.

[2] An unpublished letter from Mather to Newman, September 7, 1719 (Rawlinson MS. C. 743, fol. 53), indicates that their "Old Acquaintance" had at that time been recently "renewed." On February 17, 1720, Mather wrote to Newman (the original draught is in the possession of the American Antiquarian Society), enclosing a series of *Curiosa* for the Royal Society, which he asked Newman to transmit to John Chamberlayne. The series consisted of twelve letters, all of which appear to be lost, though their receipt was acknowledged by Chamberlayne in a letter of August 31, 1720 (see *Publications of the Colonial Society of Massachusetts*, XIV. 94, 105, note 8).

[3] *Diary*, II. 661–662.

Society, to whom Mather had been despatching *Curiosa Americana*, at intervals, ever since 1712.[1] It is, therefore, with some satisfaction that we discover — both in Mather's Catalogue of contributions drawn up in 1723 and in the Loose Leaf List of "Curiosa Continued" — the title, "A Further Account, of the Small-Pox Inoculated," or (as the Loose Leaf has it) "A further Account, of, the Method & Success of the Small-Pox inoculated." Here then is close agreement with the *Diary* for November 30 (just quoted), so that we may safely infer that the passage in the *Diary* refers to the letter to the Royal Society entered in Mather's two lists.

But what has all this to do with *The Way of Proceeding* sent to the country physicians in Massachusetts and also (as we have discovered) communicated by Newman to the *Philosophical Transactions?* That there is some connection between this document and *A Further Account* is at once suggested by the fact that Mather was at work on both papers at the same time.[2] What is the connection?

The question is answered by a glance at the chapter on Smallpox in *The Angel of Bethesda.*

This chapter (XX) we have already studied.[3] It falls, as we have observed, into two parts (pp. 112–141 and pp. 142–147), and Part One has been shown to coincide with the *Little Treatise* described in the *Diary* for June 22, 1721. Part One comes to an end not far from the middle of MS. p. 141, and contains the sum and substance of what Mather knew about smallpox and inoculation up to June 22, 1721, — four days before the experiment was actually tried in Boston. Let us now scrutinize Part Two (pp. 142–147).

Part Two begins thus:

> I am now able as an *Eywitness*, (& more than so) to give a more full Account of the *Practice*, which until *Now* I could only propose as a Matter at a greater Distance.

There follows a brief but lively narrative of the outbreak of the disease in 1721, of Mather's urging the physicians to con-

[1] See *Publications of the Colonial Society of Massachusetts*, XIV. 101–102.

[2] As is shown by the dates in the *Diary*, — November 24 and December 1, 1721, for *The Way of Proceeding*, and November 30 for *A Further Account* (II. 660, 661–662).

[3] See p. 442, *supra.*

sider inoculation, of their distrust of the strange practice, of Boylston's courage in undertaking it, of the frantic opposition of the townspeople, and of the throwing of a "fir'd Granado" through Mather's window. The narrative fills p. 142 of the manuscript and most of p. 143. Next comes (near the bottom of p. 143) the sentence: "I shall now communicate o^r *Way of Proceeding*, in the Practice." And then we encounter (on pp. 143–145) *the full text of* The Way of Proceeding, *word for word* (*but for a few slight variations*) *as it stands in the paper communicated by Henry Newman to the Royal Society*. After this a few sentences bring Chapter XX to a close.[1]

This state of things establishes beyond cavil what, indeed, has already been sufficiently demonstrated, — namely, that Mather, not Newman, was the author of *The Way of Proceeding*. But it also shows something else. It shows that, just as Part One of Chapter XX (pp. 112–141) consists of Mather's *Little Treatise* (described in the *Diary* for June 22, 1721), so Part Two consists of the essay that he describes in the *Diary* for November 30, — "a further and a more distinct Account of the *Small-Pox Inoculated*, the Method and Success of it among us, and the Opposition to it." And this paper, as we know, is included in Mather's own Catalogue of his Communications to the Royal Society and in the Loose Leaf List. We observe also that this *Further Account* included *The Way of Proceeding*, — the document which Mather distributed among the New England physicians.

What Newman received from Mather, then, was, in all probability, the *Further Account*, consisting of (1) the narrative and (2) the practical observations (*The Way of Proceeding*). In communicating the material to the Society, however, he omitted the narrative portion (which was of less immediate interest to the English savants), and confined himself to the practical observations.[2] Thus it happens that the paper, as printed in the *Transactions*, opens with marked abruptness.

Mather himself refers to this paper in an unpublished letter to Jurin, May 4, 1723:

[1] The Newman paper consists of thirteen numbered sections. These few additional sentences make a fourteenth in *The Angel of Bethesda*.

[2] Or, as is perhaps equally probable, Newman communicated the whole of the *Further Account*, and the editor of the *Transactions* deleted the introductory (narrative) portion.

We had but One Physician in the City, who ventured on y^e^ Practice; whose Courage, with y^e^ Blessing of God upon his Endeavours, triumphed over the Attempts of his Adversaries to ruine him. His *Method*, you have already received and imparted.[1]

Here, as always, he is frank and generous in his praise of Zabdiel Boylston. The method (or "way of proceeding") which Mather had described in his *Further Account*, and which had been printed in the *Philosophical Transactions*, was, of course, that followed by Boylston, who had improved upon the Oriental practice in several respects.[2]

Why Mather called his essay *A Further Account of the Method and Success of the Small-Pox Inoculated* must now be perfectly clear. It was with reference to the title of his previous tract (the Letter to Dummer), — *An Account of the Method and Success of Inoculating the Small-Pox in New-England*. We can also understand why the introductory narrative in the *Further Account* is so short. It was intended to supplement what had already been told in the Dummer tract. This function it does in fact fulfil. The most exciting occurrence between September 7 (the date of the letter to Dummer) and November 30 was the incident of the *hand-grenade*, — an outrage which, as we have seen, is duly emphasized in the *Further Account*.

For convenience, and in lieu of other summary, I subjoin an analysis of Chapter XX of *The Angel of Bethesda*.

PART ONE (MS., pp. 112–141). Practically identical with the *Little Treatise* described in Mather's *Diary*, June 22, 1721 (II. 627–628). The three sections of this *Treatise* appear in *The Angel of Bethesda* as follows:

(1) "Sentiments of piety" (pp. 112–119).

(2) "Best medicines and methods" (pp. 120–132).

(*a*) Sydenham (pp. 120–126).

(*b*) Woodman (pp. 127–128).

(*c*) Pitcairn (pp. 128–129).

(*d*) "Mantissa": Woodward's method (pp. 130–132). On an inserted sheet of smaller size. Perhaps not a part of the *Little Treatise*. P. 133 contains transitional sentences leading up to (3).

[1] From the original draught, p. 16 (A. A. S.).

[2] See Boylston, *Historical Account*, 2d ed., 1730, 6, 42 ff.; [Mather,] *An Account of the Method and Success* (the Dummer tract), 1722, 19–20.

(3) Inoculation (headed "Appendix") (pp. 134–141). This section is an adaptation of the *Address to the Physicians* (July 6, 1721). It consists of —

(*a*) Introduction (p. 134), containing (1) the story of Onesimus (as in the letter of July 12, 1716, and in the Dummer tract, 1); (2) other African testimony (practically identical with a passage in the Boylston tract, 1721, p. 9, and agreeing closely with Dummer tract, 1–2).

(*b*) Abstract of Timonius and Pylarinus (pp. 135–140), corresponding almost word for word with that given (from the *Address to the Physicians*) in Boylston tract, 1–8), and with that in the Dummer tract, 2–7.

(*c*) Ætiological speculation (pp. 140–141), corresponding closely with Dummer tract, 7–8.

(*d*) Peroration (p. 141), ending "I have done." Adapted from the peroration of the *Address to the Physicians* (as quoted in *A Vindication of the Ministers*, 1722, 7–8, and in [Greenwood's] *Friendly Debate*, 1722, 5–6). In the MS. the peroration is cancelled, and a couple of sentences are substituted in the margin.

PART TWO (MS., pp. 142–147). Practically identical with "a further and a more distinct Account of the *Small-Pox Inoculated*, the Method and Success of it among us, and the Opposition to it," mentioned in the Diary, November 30, 1721 (II. 661–662), as sent to Europe. This is the same thing entered in Mather's Catalogue of 1723 as "A Further Account of the Small-pox Inoculated," and in the Loose Leaf List as "A further Account, of, the Method & Success of the Small-Pox Inoculated."

(1) Brief sketch of inoculation in Boston to November 30, 1721, including the incident of the *granado* (pp. 142–143).

(2) "The way of proceeding" (pp. 143–147), almost exactly coincident with "The way of proceeding" communicated by Henry Newman to the Royal Society (*Philosophical Transactions*, XXXII. 33–35). This section is doubtless practically identical with the document mentioned in the *Diary*, November 24 and December 1, 1721 (II. 660, 662).

## VI. MISCELLANEOUS CURIOSA OF 1721.

The *Further Account*, as we have seen, was sent to London, in all likelihood, about November 30, 1721, as one of a considerable number of *Curiosa Americana* addressed to Dr. Woodward.

The titles of the other papers in the packet are recoverable from Mather's two lists.[1] They were as follows:

*Nishmath-Chajim.* The probable seat & general cure of all Diseases.

The Seventh Son Examined. With a Touch upon the Kings Evil.

*Lacus Mirabilis.*

An Horrible Tempest.

*Ostreophagi* or a Matchless Oister-Hill.

*Absinthium sempervivum.*

Ambergrise discovered & determined.

*Nævi Materni.*

*Melissologia*; with a new Method of Bee-hunting.

These, with the *Further Account*, make a series of *ten letters*, — a very probable number, since Mather was fond of decades.

Most of the letters in this particular Decade of *Curiosa* seem to have perished. *Ostreophagi* doubtless described some great Indian shell-heap, possibly the famous deposits at Damariscotta, Maine. *Melissologia* unquestionably treated of the subject that Paul Dudley handles in a brief paper (entitled *An Account of a Method lately found out in New-England for Discovering where the Bees Hive in the Woods, in order to get their Honey*) printed in the *Philosophical Transactions* for January–April, 1721.[2] Dudley's article, however, contains none of that out-of-the-way lore in which Mather's presumably abounded.

*Ambergrise discovered & determined*, another lost paper of the Decade, I should like to retrieve, if only for the pleasure of comparing it with one of the most ambitious of Dudley's communications to the Royal Society: *An Essay upon the Natural History of Whales, with a particular Account of the Ambergris found in the* Sperma Ceti *Whale.* This appeared in the *Philosophical Transactions* for March–April, 1725.[3] Cotton Mather was not the only New Englander who sent odd stories to England. Dudley spins a yarn about a finback that "came into an Harbour near *Cape-Cod*, and tow'd away a Sloop of near forty Tun, out of the Harbour into the Sea." I believe the yarn, for it is credible enough, and besides, who could resist the authorities who helped Dudley to collect his material, —

[1] The Catalogue of 1723 and the Loose Leaf List.

[2] No. 367 (XXXI. 148–150).

[3] No. 387 (XXXIII. 256–269).

"the Reverend Mr. *Greenleafe*[1] of *Yarmouth*, near *Cape-Cod*, and Mr. *J. Coffin*, sometime of the Island of *Nantucket*, both of them Places famous for the Whale-Fishery." It was Nathaniel Coffin who supplied Cotton Mather with his first knowledge of the famous Amphisbæna of Newbury,[2]—but the Coffins were a large family.

Two papers mentioned in the list, however, besides the *Further Account* are preserved. One, *Nishmath-Chajim*,[3] is well known. It was composed for *The Angel of Bethesda*, and stands as Chapter v. in the manuscript; but it was also published as a tract in 1722 or 1723.[4] The other is *The Seventh*

[1] The Rev. Daniel Greenleaf (H. C. 1699) was minister of the First Church at Yarmouth, Massachusetts, from 1708 to 1727 (see Freeman, *History of Cape Cod*, II. 208–10, 212, 214, 594, 697–8; J. W. Dodge, *History of the First Congregational Church, Yarmouth*, 1873, 21–25; C. F. Swift, *Old Yarmouth*, 121–123, 139). I have a receipt, in Mr. Greenleaf's handwriting, which runs as follows: "Rec$^{d}$ of M$^{r}$ John Miller Const$^{ble}$ the full of my Sallery for my 14$^{th}$ years service in the work of y$^{e}$ Ministry being y$^{e}$ year of our Lord 1721 I say rec$^{d}$ Dan$^{ll}$ Greenleaf."

[2] Coffin's letter, June 14, 1723, concerning this two-headed monster, published in the *New-England Courant*, No. 100 (for June 24–July 1), is reprinted by J. T. Buckingham, *Specimens of Newspaper Literature*, 1850, I. 85. See Mather's letter to Jurin, September 21, 1724 (*Royal Society Letter-Book*, M. 2. 47; Gay MS., fols. 219–222).

[3] I. e., Breath of Life (*Genesis*, ii. 7).

[4] Sibley, No. 371 (III. 138). "New-London. Printed and Sold by Timothy Green, 1722." The title-page reads, *The Angel of Bethesda*, but the running title is *Nishmath-Chajim* [etc.].

Mather sketched the plan of *The Angel of Bethesda* in a letter to John Winthrop (H. C. 1700), December 26, 1720. He refrained from enclosing "a sheet or two of my MSS" because of the risks of conveyance (4 *Collections*, VIII. 445–446). On April 17, 1721, he reports slow progress, and adds: "I here single out one chapter of it, for your present Entertainment; Because I thought the Curiosity with the Novelty of it, would be really Entertaining to a Gentleman of your Sagacity" (*Ib.* 448). That this chapter was the *Nishmath-Chajim* may be inferred, partly from the quality of that tract (which suits the description), and partly from another letter to Winthrop, April 23, 1722: "I was looking out something to treat you withal; and, Lo, as a Fore-runner to some other Things, I single out a Chapter, in THE ANGEL OF BETHESDA; which, I pray, lett Return by a safe Conveyance within a Month; with your sentiments upon my NISHMATH CHAJIM, which you always know my value for" (*Ib.* 452). The new chapter, sent with this letter, was probably the *Seventh Son*, to which Mather refers (as perhaps in Winthrop's hands) in a letter of January 10, 1723: "Did I ever send you a Little Dissertation of mine, upon, *A Seventh Son?* A passage in one of your Letters, Looks as if I did; tho' I don't remember, that ever I did it" (*Ib.* 454). And finally, still in 1723 (apparently in May or early June), Mather writes to Winthrop: "I must importunately Request, That my Two Manuscripts; The *Nishmath-Chajim*, and The *Seventh Son*, may . . . be return'd unto me. I have no copy of them, and I have more than ordinary occasion for them" (*Ib.* 454). The urgent occasion was, no doubt, Mather's wish to insert these chapters in their

*Son.* This, too, is preserved (as I believe) in *The Angel of Bethesda.* It has a curious history, which seems hitherto to have escaped the antiquarian investigator.

On November 23, 1721, there appeared at Boston a single folio sheet [1] consisting of two parts: (1) *Several Reasons proving that Inoculating or Transplanting the Small Pox, is a Lawful*

proper places in the work, which was approaching completion. The whole manuscript was ready for the printer on February 20, 1724 (*Diary*, II. 698).

From all this it appears that the *Nishmath-Chajim* was finished before April 17, 1721, — in ample time, therefore, to be sent to England with other *Curiosa* on or about November 30, 1721 (cf. *Diary*, II. 661–662). Further, since Mather asked for the return of the manuscript in the spring of 1723, and said nothing about its having been printed at New London, I suspect that the 1722 on the title-page stands for 1722–3, and that the tract appeared between January 1 and March 25 of that year. Samuel Mather's list (p. 175) puts it third from the end under 1722.

The letter asking the return of the *Nishmath-Chajim* and the *Seventh Son* is undated, but was obviously written later than that of January 10, 1722–3. A hither limit may be determined from the contents. (1) Mather asks for an account of a certain "New Snake, who commands & governs the Rattle-Snakes." Now on June 4, 1723, he wrote to the Royal Society on that subject (to Jurin, *Royal Society Letter-Book*, M. 2. 38; Gay MS., fol. 187; draught in A. A. S.). (2) Mather remarks that "the New Uproar, which keeps the King at home, & keeps the Camp at Hide Park still going on, is variously talk'd about." This reference to Atterbury's Plot and its consequences can hardly have been written after July 8, 1723, when the *New-England Courant* printed news from London (dated May 7) to the effect that "his Majesty designs to go to Hanover about the Beginning of next Month." His visit for 1722 had been omitted on account of the plot. (See Robert Walpole's letter of May 29, 1722 O. S., to Horace Walpole in Coxe, *Walpole*, II. 220; Boyer, *Political State* for May, 1722, XXIII. 531, 549; *New England Courant*, August 6, 1722, No. 53; July 8, 1723, No. 101; July 22, 29, Nos. 103–104; Swift to Robert Cope, June 1, 1723, Scott's Swift, 2d ed., XVI. 414). (3) Mather says, "Our New Scene of Troubles here, God knows when & how it will terminate." This manifestly alludes to the incendiary fires and the fear of a servile insurrection in Boston in the spring of 1723 (*Courant*, April 22, 29, May 13, July 8, 1723, Nos. 90, 91, 93, 101; Mather to Prince, *Diary*, II. 686–688.) — We may feel quite safe, then, in dating this letter sometime between May 1 and June 4, 1723. As printed in 4 *Collections*, VIII. 454–455, the letter is unfortunately run together with the last page (all that is preserved) of a letter dated "$12^{d}$ $1^{m}$. 1722, with which (as a glance at the original manuscripts among the Winthrop Papers reveals) it has nothing to do. The dividing line should come on printed page 455 between the words "into the common" and "And what?" The letter of "$12^{d}$ $1^{m}$ 1722" enclosed a copy of [Greenwood's] *Friendly Debate* — a circumstance which makes it clear that "1722" is N. S., not, as the editors assume, 1722–3 (see p. 472, note 5, *infra*).

[1] So described by Dr. Haven in his edition of Thomas, II. 391. I know of nobody who has seen the original. It is reprinted in 1 *Collections*, IX. 275–280 (as Mr. Ford notes in the *Diary*, II. 660), but nothing is there said of the form or whereabouts of the thing itself. It was, I suppose, not a broadside, but a leaf printed on both sides.

*Practice*, by Increase Mather;[1] and (2) *Sentiments on the Small Pox Inoculated*. The second piece is unsigned,[2] but it is at once recognizable as Cotton Mather's, was probably never disowned by him, and is proved to be his work by an entry in the *Diary*.[3]

A reply to both parts was speedily prepared by John Williams.[4] It came out, in all probability, on December 4, 1721.[5] Williams kept a "tobacco cellar" in Boston[6] and very likely dispensed drugs as well. Indeed, he seems to have given medical advice to his customers gratis.[7] He was an unlettered man,

[1] The *Several Reasons* is expressly designated as "by Increase Mather," and is dated November 20, 1721.

[2] Increase Mather introduces it as "the sentiments of another, well known in our churches, of which I declare my hearty approbation."

[3] November 23, 1721: "I join with my aged Father, in publishing some, SENTIMENTS ON THE SMALL-POX INOCULATED" (II. 660). The exact date of issue may be inferred from this entry. Its limits are fixed (1) by the date appended to Increase Mather's contribution, November 20, 1721, and (2) by a reply to the *Sentiments*, in the *Courant* for November 20–27 (No. 17).

[4] *Several Arguments, proving, That Inoculating the Small Pox is not contained in the Law of Physick, either Natural or Divine, and therefore Unlawful. Together with A Reply to two short Pieces, one by the Rev. Dr. Increase Mather, and another by an Anonymous Author, Intituled, Sentiments on the Small Pox Inoculated. And also, A Short Answer to a late Letter in the New-England Courant. By John Williams. Boston: Printed and sold by J. Franklin . . .* 1721.

[5] There is contradiction in the announcement of this tract in Franklin's own newspaper, the *Courant*. In No. 18 (for November 27–December 4, 1721) "the Second Edition" is advertised as "Just Publish'd," but in No. 19 (for December 4–11) the same thing (without the words "Second Edition") is advertised as "This Day publish'd." I have compared a copy of the tract which professes to be of "The Second Edition" (Harvard College Library) with two copies which do not so designate themselves (M. H. S., A. A. S.), and the contents are identical. So (with a few slight variations) are the typography and make-up. It is manifest that the type was not reset, except perhaps for the last page. A few trifling corrections are made in the "Second Edition." It is possible that the first edition came out between November 23 (when the two "pieces" by the Mathers appeared) and December 4, and the second edition on December 11.

A scurrilous reply to Williams, in prose and verse (dated "Cambridge. Dec. 19. 1721") was sent to the *Courant*, and was printed at the end of *A Friendly Debate; or, A Dialogue between Rusticus and Academicus* (Boston. Printed and Sold by J. Franklin, 1722), 8–11, where it is ascribed to "an *Academical* Brother (Son to a Fellow of the Royal Society)," i. e., of course, to Samuel Mather. He expressly declared, however, in the *Courant*, No. 33 (for March 12–19, 1722), that he "was not concern'd in writing or composing" it.

[6] See [Isaac Greenwood,] *A Friendly Debate; or, A Dialogue between Academicus; and Sawny & Mundungus* (Boston, 1722), 20–21, 22–24; *A Friendly Debate; or, A Dialogue between Rusticus and Academicus* (Boston, 1722), 7–12; *A Vindication of the Ministers of Boston* (Boston, 1722), 3; John Williams, *An Answer to a Late Pamphlet* (Boston, 1722), 14–15.

[7] In his *Answer to a Late Pamphlet*, p. 15, Williams says: "Unless I could install

whose eccentric spelling made him the butt of numerous witticisms. He was dubbed *Mundungus*, from his trade,[1] and it was pretended that he had invented a new variety of human speech, *Mundungian*, which was well-fitted to be "the Universal Language." It was facetiously proposed that he be appointed Professor of Mundungian at Harvard College. A Mundungian Vocabulary was printed, enshrining such gems as *cidnys* for "kidneys," *deses* for "disease," *fecicions* for "physicians," and *yers* for "ears."[2] Even Williams's publisher, James Franklin, lent himself to the jest,[3] and inserted in the *Courant*, without correcting the blunders in orthography, two letters from him (one of them signed "J. W.") as specimens of the Mundungian Language.[4] If they are authentic (as they doubtless are), John Williams was a spelling reformer of the heroic school afterwards made illustrious by Lord Timothy Dexter. Mather describes him as follows, in an unpublished letter to Dr. James Jurin, May 4, 1723:

A sorry *Tobacconist*; who could hardly spell a Word of *English*, (even the Word *English*, from his acute Pen was *Engleche*) and could not read his own Manuscript, but pray'd the Printer to find out y^e^ Meaning, & make English of it. This hideous Fellow, who is more known by the Name of *Mundungus* than that of *John Williams*, directed his Readers, to *studde sempeti* and *Anthepeti*;[5] and to forbid this *Prates*, because, to *specke for Hoomain Invenecions in Fisecke*, is not *alowebel*.[6]

you with the Title of *Doctor of Physick*, you must expect to follow my Steps, and give Advice *gratis*."

[1] The nickname antedates the publication of [Greenwood's] *Friendly Debate*. A writer in the *Gazette*, January 8–15, 1722 (No. 112), who dates his letter "*Cambridge, January* 11. 1721" (i. e. 1722), calls him "that Crackbrain'd *Mundungus Williams*."

[2] See [Greenwood's] *Friendly Debate*, 20–23.

[3] So did the anonymous author of the *Dialogue between Rusticus and Academicus* (p. 12), though he, like Williams, was opposed to inoculation.

[4] *New-England Courant*, No. 32 (for March 5–12, 1722). Williams's two tracts (*Several Arguments*, 1721; and *An Answer to a Late Pamphlet*, 1722) are not spelled in Mundungian fashion.

[5] In his *Several Arguments*, p. 1, Williams declares that "the Rules of Natural Physick are *Two*, and no more; which are *Sympathy* and *Antipathy*." Mather mentions Mundungus in a letter of "12^d^ 1.^m^ 1722" to John Winthrop (4 *Collections*, VIII. 455). This, I suspect, is 1722 N. S. (not 1722 [–23] as dated by the editors). For it obviously accompanied a copy of [Greenwood's] *Friendly Debate*, which came out on March 7, 1721–22 (see *Courant*, No. 32, for March 5–12). Cf. p. 469, note 4, *supra*.

[6] From the original draught (dated May 4, 1723) in the possession of the

Williams's reply to the Mathers' folio sheet is rather dull reading, except for a couple of paragraphs that illustrate the popular superstitions of the time. Cotton Mather, in the *Sentiments*, had appealed to "experience" to show "that there never was a more unfailing remedy [than inoculation] employed among the children of men." [1] Williams saw an opening for a *reductio ad absurdum*. Here is his triumphant rejoinder:

Hold Sir, suppose I tell you of two as successful, to wit, to cure Agues. The first is to wear a Spell about the Neck, next to the Skin; I can tell you too how to make it, and what Words are used in it. *2dly*, The writing the Persons Name that hath the Ague, by the hand of a Seventh Son, and he slitting the Rine of an Elder-Tree, and opening it, and putting the Piece of Paper in, will cure the Ague: And they tell you of much Virtue in the Seventh Son, and also of the Elder Tree; and they, do not say *ask them not*, but tell us the Reason *why they say so*, to wit, because *Judas* hanged himself on it. I could tell you of many more such Things, with respect to the Event, which are good to a Person or People; but that does not prove it to be lawful, which you should have done, if you understand your Argument.[2]

A few pages later Williams reverts to the Seventh Son, associating him with the famous cure by the Royal Touch. Cotton Mather had contended that "the parents, and masters, and husbands and wives, whose relatives have beg'd as for their lives, that they might have leave to save their lives, by this method, should not by their obstinate violence hinder them from it, least on the loss of their lives they have sad matter of reflection left unto them." [3] Williams retorts:

Sir, I shall answer you by a Similitude, and you may judge. I have known Children that have had the King's Evil, and have desired their Governours let them go and be touched by the King, who lays his Hand upon them, and says, I touch, and God heals: Whether or no if Parents or Governours are satisfy'd that it is not lawful, or that there is no Physical Means in it, they ought not to deter them from it, lest the Disease may not go off, and they have sad Cause of Reflection. The like Cure the Seventh Son performs, which you may consider.[4]

American Antiquarian Society, pp. 14–15. In the same letter Mather calls Williams "this Poor smoaky Conjurer" (p. 15).

[1] 1 *Collections*, IX. 278.
[2] *Several Arguments*, 11.
[3] *Sentiments*, etc. (1 *Collections*, IX. 279).
[4] *Several Arguments*, 16–17.

One may venture to assert, with little fear of contradiction, that in these two inimitable arguments of Mundungus Williams we have latent the impulse that moved Cotton Mather to compose *The Seventh Son Examined; with a Touch upon the Kings Evil.* This title directly follows *Nishmath Chajim* in both lists of *Curiosa*, and there is no difficulty about dates.[1]

The *Seventh Son*, at all events, was written and sent to Dr. Woodward with other *Curiosa Americana*. It is preserved, I believe, in Chapter LXII of *The Angel of Bethesda*.

The title of this Chapter is "Fuga Dæmonum. or, Cures by CHARMS considered. And, a SEVENTH SON examined." The first three pages (pp. 374–377) inveigh against the use of charms. Then follows (on pp. 378–380) a section headed "Mantissa," which begins: "We have a Fancy among o^r^ Common People, That a SEVENTH SON, among Brethren that have not had a Sister born between them, is endued with I know not what, *Power of Healing* Various Distempers, with a Touch of his Hand upon y^e^ Part affected." P. 381 is blank. P. 382 begins a new section — headed "An Appendix. POPERY ridiculed" — which continues through p. 384 and closes the chapter. It discusses the custom of appealing to special saints for the relief of special diseases, and condemns, as a folly akin to idolatry, the practice (once common in medicine) of "assigning . . . Particular Plants to particular Planets." The whole chapter is instructive reading for such of us moderns as have been brought up to think that Cotton Mather was a type-specimen of the *homo superstitiosus*.

How much of Chapter LXII was contained in the *Seventh Son* that Mather sent to Woodward, we cannot tell; possibly the whole of it, but certainly the "Mantissa" (pp. 378–380), at the very least, and probably the "Appendix" (pp. 382–384)

[1] Williams's *Several Arguments* came out between November 23 and December 4 (or perhaps on the latter date), 1721. Mather was "writing letters for *Europe*" and "sending over many Things" on November 30th (*Diary*, II. 661–662). These may have gone by David Cutler, who is recorded as "entered out" for London in the *News-Letter* for November 27–December 4, 1721 (No. 931). The *Courant* of the same dates (No. 18) says that David Cutler was "outward bound" for London in the ship Abraham. Or they may have gone by John Westcot, of the Friendship, who "cleared out" in the next week (*News-Letter*, No. 932, for December 4–11, 1721; *Courant*, No. 19, same dates), or by Jonathan Clark, who "cleared out" in the week after (*News-Letter*, No. 933, for December 11–18; *Courant*, No. 20, same dates).

as well. That the "Appendix" was originally addressed to a British audience is proved by a minute detail: Mather speaks of a famous English physician[1] as "your Culpepper."[2] So much for the *Seventh Son*.

## VII. Curiosa Variolarum. 1722.

Dr. James Jurin, Secretary of the Royal Society, was one of the leading English advocates of inoculation. In a tract on the subject, published in 1723,[3] he remarks:

> The Reverend Mr. *Mather*, in a Letter dated *March* 10, 1721. from *Boston* in *New England*, gives an Account, That *of near* 300 *inoculated there*, 5 *or* 6 *died upon it or after it, but from other Diseases and Accidents, chiefly from having taken the Infection in the common way by Inspiration, before it could be given them in this way of Transplantation.*[2]

And again, on the same page:

> Mr. *Mather* tells us, that the Persons inoculated were *young and old, from* 1 *Year to* 70, *weak and strong*; and by other relations we are inform'd, that *Women with Child, and others even in Childbed*, underwent the Operation. Apparently the Greatness of the Danger they were in, from the Infection in the Natural Way, which then raged among them with the utmost Fury, made them the more adventurous.

Once more:

> Mr. *Mather* observes, in his Letter mention'd above, that *out of more than* 5000 *Persons that had the Small Pox* at *Bos-*

[1] Nicholas Culpeper (1616–1654). See *Dictionary of National Biography*, XIII. 286–287.

[2] MS., p. 384.

[3] *A Letter to the Learned Caleb Cotesworth, M.D. . . . Containing a Comparison between the Mortality of the Natural Small Pox, and that Given by Inoculation*, London, 1723. The letter is dated "*Feb.* 20th, 172$\frac{2}{3}$." There is a postscript beginning: "Since this Paper was drawn up and communicated to the Royal Society, the following Account of the Success of Inoculation in and about *Boston*, in *New England*, was procured at my Desire, by my Ingenious Friend Dr. *Nesbitt*, from Capt. *John Osborne*, who resided in that Town and Neighbourhood during the whole time of that Practice. I think proper to insert it here, as it confirms Mr. *Mather*'s Relation, and is a more particular Account of the Matter of Fact, than any that I have yet seen" (p. 19). Jurin's Letter to Cotesworth, with the Postscript, was also published in No. 374 of the *Philosophical Transactions* (for November–December, 1722, XXXII. 213 ff.).

[2] P. 6 (*Philosophical Transactions*, XXXII. 215).

*ton* in *New England, within little more than half a Year*, near 900 *died*.[1]

Mather's letter is extant, in a contemporary copy, in Sloane MS. 3324, fol. 260. It is dated "March 10. $17\frac{2}{2}\frac{1}{2}$," and was addressed to Dr. John Woodward.[2] The passages quoted by Jurin occur in it. The same letter is also quoted by Dr. William Douglass, in his *Dissertation*, 1730, for the sake of illustrating what he styles Mather's "foible" of "credulity."

The best of Men have some *Foible*: that of Dr. *Mathers* was *Credulity* . . . I shall mention a few Instances of this *weakness* from his own *Letters* concerning Inoculation published in *London*: in one Letter Dated *March* 1722 He tells the world, That *A.* 1721. in *Boston*, some *Cats* had a regular Small-Pox and died of it; that during the Small Pox, the Pigeons and Dunghill Fowls did not lay nor hatch, *that he never knew Blistering miss of saving life in the Small-Pox, &c.*[3]

Mather's words in the letter of March 10, 1721–2, are as follows:

Your D[r] Leigh, in his *naturall History of Lancashire*, counts it an occurrence worth relating, that there where some Catts known to catch the Small Pox, & pass regularly thro' the state of it, & then to Dy, Wee have had among us the very same Occurrence.

It was generaly observ'd, & Complain'd, that the *Pidgeon Houses* of the City continued unfruitfull, & the Pidgeons did not Hatch or lay as they used to do, all the while that the *Small Pox* was in its

[1] P. 17 (*Philosophical Transactions*, XXXII. 223).

[2] The letter begins: "So Considerable a part of Mankind fearfully perishing by the *small Pox* and many more of us grievously Suffering, by that miserable Distemper, You will Allow me to Entertain you, with a few more Communications, and write You (I think its) a fourth Letter upon it" (Sloane MS. 3324, fol. 260 a). The previous letters were clearly enough, (1) that of July 12, 1716, (discussed on pp. 420 ff. *supra*); (2) that of September 7, 1721, printed as *An Account*, etc., in 1722 (see pp. 444 ff., *supra*); and (3) the *Further Account* (see pp. 460, 463 ff., *supra*). Of these the first and third were certainly addressed to Woodward, and the second is so designated in the Loose Leaf List (though labelled "To M[r] Dummer" in the Catalogue of 1723; see p. 455, *supra*). We may feel sure, therefore, that this letter of March 10, 1721–2, was also addressed to Woodward (though no address appears in the Sloane MS.), and that it is identical with *Curiosa Variolarum*, mentioned as addressed to him in both the Catalogue of 1723 and the Loose Leaf List.

[3] P. 8. Douglass repeats this passage with slight variations, in his *Summary*, II. (1751) 411. In the latter place he omits the date (March, 1722), but still refers to the matter as "published."

Epidemical Progress. And it is very strongly affirm'd, that our Dunghill Fowl, felt much of the like effect upon them.

. . . . . .

I will add but one thing more. For succour under the *Small Pox*, where Life is in Danger, after all the Methods & Medicines, y$^{t}$ our *Sydenham* and others rely upon, I can assure you, wee have yet found nothing so sure as this. Procure for the Patient as early as may be, by *Epispasticks* a plentifull Discharge at the Handwrists or Ankles, or both; (I say, *as early as may be!*) & keep them running till the danger is over. When the Venom of the *Small Pox* makes an Evident & violent Invasion on the noble parts, this Discharge *does wonderfully*. I am sorry it was so late before wee fell into *this way*; but it has *constantly prospered*; I know not, that it has once Miscarried, since wee came into it.[1]

The passages derided by Douglass, we note, form no part of Jurin's quotations. Hence it is clear that Douglass, when he says that Mather's letter was "published in London," cannot be referring to the extracts made by Jurin.[2] Nobody has yet found Mather's letter in print. Doubtless, however, it saw the light in some London newspaper of the time. We know that the London papers paid more or less attention to the epidemic in Boston and to the experiments there tried in the way of inoculation. For instance, they reproduced Dr. Lawrence Dalhonde's sensational report made to the selectmen on July 21, 1721.[3] A search in the files in the British Museum might add several items to our knowledge of the disturbances in Boston.

The title *Curiosa Variolarum* occurs in both the Catalogue of 1723 and the Loose Leaf List, and may unhesitatingly be attached to the letter of March 10, 1721–2.

[1] This passage about epispastics (or blisters) is repeated, almost word for word, in the margin of p. 126 of *The Angel of Bethesda* (Chapter xx), as a later addition to the text.

[2] In another place in his *Dissertation* (22–23) Douglass remarks: "Dr. *Mather* in his Letters published in *London*, gives the reason why they used no precaution: because in the natural way it raged with the *utmost fury*, and to make his assertion good, says that of something more than 5000, decumbents near 900 died." These figures are in Mather's letter of March 10, 1721–2; but the expression "raged with the utmost fury," as well as the inference about lack of precaution, is not found there. Douglass seems to have taken these from Jurin (see the passages quoted above).

[3] See pp. 457–458, *supra*.

## VIII. THE CASE OF THE SMALL-POX INOCULATED. 1723.

The American Antiquarian Society possesses Mather's own draught of a rather long communication to the Royal Society dated May 4, 1723, and entitled *The Case of the Small-Pox Inoculated; further Cleared. To D^r^ James Jurin.* The essay was sent to Jurin by Mather along with the well-known letter of May 21, 1723, in which he requested an official judgment on the disputed question of his right to style himself an F. R. S.[1] The essay is sufficiently familiar to students of Mather MSS. My sole excuse, then, for mentioning it here is the fact that I have ascertained, since the present paper was submitted to the Society, the existence of another copy of the document.

Some weeks ago Mr. Tuttle called to my notice the occurrence of an article on inoculation by Cotton Mather in Sir Arthur H. Church's list of papers in the Archives of the Royal Society.[2] Suspecting that this might be *The Case of the Small-Pox Inoculated further Cleared*, I addressed a letter of inquiry to Mr. Robert Harrison, the Assistant Secretary and Librarian, asking him to send me the opening and the closing words of the Royal Society MS. and to indicate its form and extent. Mr. Harrison replied with a promptness and courtesy which lay me under great obligations to him. The document, he informs me,[3] "is written on small 4to paper and extends to 17 pages. It is entitled 'The Case of the Small-pox Inoculated, further cleared,' and is dated May 21st, 1723." This date, we note at once, corresponds with that of the letter in which the manuscript was enclosed, — not with the date (May 4) of the draught. The change was a natural one on Mather's part. The Royal Society MS. begins:

It is a thing well known to all who know anything, that the *Small-pox* has from the days that the *Saracens* brought it into *Europe* with them, still proved a *Great Plague* unto the Inhabitants of the Earth, and bin enough, if there were nothing else, to pro-

[1] See *Publications of the Colonial Society of Massachusetts*, XIV. 107–109; cf. p. 418, note 1, *supra*.

[2] *The Royal Society Archives, 'Classified Papers' of the Period 1606–1741* (Oxford, privately printed, 1907), 28 (noted as preserved in "Guard Books, XXIII. (2) 31").

[3] In a letter of March 22, 1912.

cure the Denomination of a *Wo*, for those woful *Harpyes*. The Numbers of the Slain by this tremendous Malady, have been far more than of those, who have perished by the *Pestilence*; and the Distemper which has been, by way of Eminency called, *The Destroyer*, has not been such a *Besome of Destruction* as this Competitor to it, among them, who have had ye *Graves waiting for them.*

It ends as follows:

I write unto a person of so much Goodness, that I am sure he will pardon the Fatigue, which the perusal of this Long Epistle may give him; upon an Affair the Importance whereof will make its Apology; and he will with his usual Candour, accept the Intention of,

Syr,
Your most hearty
Friend & Servant,
COTTON MATHER.

Boston, New England.

"The paper," adds Mr. Harrison, "is not in Mather's own autograph, though signed and dated by him."

This account of the article establishes its complete identity with the communication of which the American Antiquarian Society possesses the holograph draught.

Mr. WINSLOW WARREN contributes the following two letters of Samuel Alleyne Otis:

SAMUEL ALLEYNE OTIS TO JAMES WARREN.

NEW YORK, 27 Nov. 1787.

DEAR SIR, — You will about this period agreeably to my promise, expect a letter, and as I have engaged also to write Sister Warren, being under the operation of a very unfertile brain, I must preface by asking your influence, to construe my communications to you, so as that they may be considered as made to you both, Being in the full perswasion that anything worthy the attention of either, may with propriety be addressed to both. Having never before been in N. York, your first enquiry may be, how I like the City; To which I reply that I think the inhabitants of one great City, pretty much like those of another, The polished people have the same views of amusement and ostentation everywhere, The Commercial people

the same eager grasp at property and accumulation; The inference then is not unnatural, that liking Boston, I have no prejudice against N York. Indeed I never have seen the place where, if I had my family with me and they were tollerably happy, I could not make life tollerably agreeable; And I am fully convinced without the pleasures of domestic life, Tis no boon, and changing air and Climate, is only changing misery. But viewing myself from the necessity of my affairs, an *honorable* exile, I am resolved to submit without a murmur. I will not however preclude one observation as true as the oracles of religion, That I had rather plow up a wholsome subsistence upon the highlands of Milton, if that could be done in Character, than subsist upon all the Luxuries of the South secluded from my family. But I wont repine.

Your next probable question will be how go you on in Congress; To which I reply there is no Congress. Nor like to be before Xmas — New hamshire Mr. Gilman, Massachusetts is represented, Connecticut have chosen but not here, R Island dont know whether chosen or not, N York dont chuse until the next month, N Jersey have no acct. of, Pensilvania have chosen and only one Member G Armstrong present, Maryland No Members here, Virginia represented by Mr. Carrington, and Mr. Maddison, Delaware N & S Carolina & Georgia not represented. Indeed I think some states either from a zeal for New Government, Or indifferent about a longer Confederation upon any plan, voluntarily negle[c]t sending on their Members — but this upon every principle is wrong. If the confederation ceases, puissant as any state may feel itself, I think its independence is at an end. If they prefer the Confederation upon the old, or rather present plan, they certainly ought to keep up their representation, And if they are zealous for the *new plan*, They ought to send their delegates to prepare the way, and I had like to have said make the paths straight before it. But I have no expectation of a speedy adoption of the *New System*. New hamshire I can give no acct. of, Massachusetts & R Island *No* Connecticut Yea, N York No, N Jersey doubt, Pensilvania & Delaware Yea, Maryland & Virginia No, No. & So. Carolina Yea, Georgia No, at least these are my probable conjectures upon each state from present appearances. Virginia have not even called a Convention until May, And will the United States be content with an absolute suspension of Government until after may? My present opinion is that the executives of such governments as are represented, should remonstrate where the legislatures are not setting. For no man with a spark of national pride, Sure no man who is ostensible in the public line, but must feel mortified at the derangment of our public affairs.

Seing your Name announced as the Land Officer of the western Territory, led me to make some conversation with Governor Clinton upon the subject, who has been upon the Ground. He thinks we did wrong in not sending Commissioners with the Governors of the two States at the head of the Commission. His reasons are that Interested people have endeavored to impress the Indians with unfavorable Ideas of the Bostonians including N Englanders under that Idea, That our Governor etc. going into treaty would have effaced these Ideas, And the two Executives appearing in Concert would have looked as if they viewed the business in a very important point of light, And would have induced Brant and the Lessees, as well as the Indians that those *Leases* were of no avail, Whereas now the Combination will grow more powerful by delay, and give ultimately great charge and trouble. He thinks also it will be our best pollecy to sell only a part at present, as the Indians will sell a part for a moderate compensation but will be alarmed, and Confirmed in their Jealousies if an attempt be made to purchase the whole. By the way, it was reported when I was in Boston that N York was selling a 3/ facilities exclusive of Indian claims. But this is not true, but that the Yorkers sold their lands at least what they have sold, for three shillings an acre, after they had extinguished the Claims is the fact. I suspect this report sprang from Browne and associates. Upon the whole I find should you proceed to sell without extinguishing the Indian Claims, the purchasers under that incumbrance would be likely to cheat the Indians, And the York Government are or pretend to be justly alarmed least the angry Savage should revenge upon their fronteers the loss of his own acres. These observations may all be the result of N York policy, for they are by no means deficient in matters of land. You will however give them what attention they merit.

I have conversed only partially with the Treasury Board upon your accounts, and think however no time is lost, and rely upon my attention as opportunity offers.

The expectation here is of a war between France and England, but their immence debt and deranged finances make me doubtful, nor do I think great advantages will result to America should it take place.

Love to sister and the family concludes yrs

Sam A Otis.

Pray write me all the news, the Speculations upon important incidents, Upon Constitution etc. but above all your own reasonings upon things as they occur.

[Endorsed] The Honorable James Warren Esqr
Milton.

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## SAMUEL A. OTIS TO HENRY WARREN.

WASHINGTON, Feb. 5th, 1809.

MY DEAR SIR, — I have received yours 29 Jan: and reciprocate assurances of great pleasure in the correspondence, altho I can easily imagine that in these turbulent and embarrassing times your attention must be peculiarly engrossed by your official duties. Your apprehensions of interrupting me, or not being able to interest me in our epistolary intercourse, are the worst part of your apology for the infrequency of your letters.

In reply to your anxious enquiry. The result of the present state of things is beyond human, certainly beyond my ken. Congress are indeed "surrounded with difficulties," and having tried what will NOT *do*, will probably soon repeal the embargo. What will *positively be done* is uncertain. Some talk of allowing the merchants to force a trade, which they say will not be war. Others are for letters of marque and reprisal, which certainly will be war. But the most alarming circumstance is, the growing prejudices between the E & S states; which are daily increased by different interests views and pursuits; and which are exhibited by the most determined, if not violent language. This embargo, which one party views as a measure of defence, and salutary, is by the other, resented with the most lively feelings; sharpened by privation and almost ruin; and accordingly execrated as a deliberate system of hostility and destruction to commerce — The sole dependance of that numerous class, who dwell on the borders of the ocean, and from whence they derive their only means of subsistance. Whether this opposition of pursuit, will result in separation of the union, you can form the best judgment, from the temper of the people of N E. I pray it may not. And I know it is deprecated by the judicious people of the South. You certainly know better than I can pretend to, the temper and wishes of *our* Legislature, and perhaps those of the "President of your Senate," to whom you pay a great compliment; For he writes but little on political subjects; Enough however, to convince me that, altho he ardently wishes to guard against unconstitutional and oppressive restrictions, he as ardently wishes to prevent things going to extremities and confusion. For indeed he hath many valuable articles afloat, "on the tempestuous sea of liberty."

The orders from the "Queens palace" and the decrees from the Luxemburg are equally abominable, and should be resisted as arbitrary by an independent nation, but a forced submission to the law of the strongest. is no renunciation of right. Two powerful bullies in a posture equally menaceing, obstruct my passage in the high way — I assert my right, Renounce nothing. They shew power

and forget right. To what purpose resolve to fight them? Especially as they are on high ground, or beyond my reach? We are a young nation. We want time to *grow*. And altho we may shew a want of spirit not to *defend* ourselves, we shew a want of wisdom at present to act *offensively*, when the probable result will be the inducement of sorer evils. Circumstances are changing every day, and in the rapid revolution of human affairs, a state of things may present itself, in which, we may obtain satisfaction. Bad as our situation is, we are happy in comparison with subjugated Europe and miserable Spain, bleeding at every pore.

Hopes are entertained that under a new administration tranquility may be in a measure restored. Mr. M[adison] hath few personal enimies. His political opponents may think more favorably of his measures than of those in present operation.

Our good friend, your worthy father, is indeed no more. In that silent mansion, where the wicked cease from troubling and the weary are at rest, perhaps he is taken from the evil to come. Altho he too lived in a stormy period, Heard the tempest roar, and often saw destruction "sweeping o'er the land." After a few days of bustle collision and anxiety we too, must lie as low, and as quietly as the generation before us.

I know of no one so likely to thwart the views of W O as Green, Altho I only suspect he hath it in contemplation. My wonder is greater that my brother [1] is continued in office, than it would be, were he superseded. He hath been tottering for a number of years, but as I flatter myself I had a principal agency in his establishment, I have done my utmost to support him. But if I ever had any interest at Court, the period is gone by, and probably the republican part of our delegation will support Green. The federalists are out of the question. However as you state W O hath his claims and they may be attended to and rewarded.

An enquiry is instituted by committees of both houses on Mr. Dearborn's expenditures of the public monies. It will occupy some time and give him some trouble, but presume he will be brot off.

Remember me very affectionately to your good mother my respected sister, your amiable wife and worthy brother. I have had it in my mind several times to write my sister, but at this period of the session the business begins to press.

With every sentiment of esteem and regard I am yours affectionately

SAM. A. OTIS.

Dont omit my respects to Mrs. Winslow.

[1] Joseph Otis (1726–1810), for many years collector of customs for the district of Barnstable.

The EDITOR spoke as follows:

In the *Life of John Collins Warren* (II. 34) a brief account will be found of his agency in erecting in the Granary Burying-ground a monument to the parents of Benjamin Franklin. It is, without question, surprising to read in that place of a "very strong prejudice" against Franklin in the minds of many respectable individuals, so strong, in fact, that "when it was proposed to finish Franklin Place, in Boston, by the erection of a statue to Dr. Franklin, the plan was decidedly objected to; the statue was abandoned, and a wooden urn substituted." By 1827 this hostile feeling had so far disappeared that Dr. Warren consulted with some of his friends, and it was decided to raise some fitting and permanent memorial of the parents of Franklin. Our colleague, Dr. JOHN COLLINS WARREN, has placed in my hands the original subscription list and certain letters about the monument. One of these letters, being the sketch-plan by Solomon Willard, architect of the Bunker Hill Monument, is reproduced in facsimile. The other papers follow:

DR. WARREN TO JOSIAH QUINCY.

BOSTON, Nov. 14, 1826.

DEAR SIR, — The inscription which marks the place where lie the reliques of the ancestors of Franklin is nearly effaced. The monument which contains it, is unworthy to bear such a name, and to indicate to strangers that Boston is the birth place of Franklin. I propose in union with a number of our fellow citizens to pray the city government to allow the petitioners to erect a monument more worthy of so flourishing a city: and the form it would be desirable to give it, would be similar to that contained in the accompanying plan. Boston is under so many obligations to you, for the splendid improvements, it has received, that one which concerns so great a name ought not to proceed without being first submitted to you.

I would therefore beg the favour of you to look at the accompanying plan and to afford it your approbation. I shall then immediately prepare and present the proposed application.

I have the honour to be very resply. your friend and Sevt.

[*Unsigned.*]

QUINCY TO DR. WARREN.

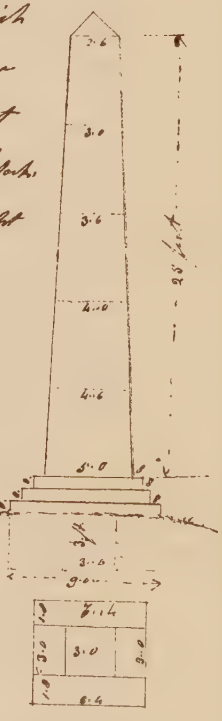
MY DEAR SIR, — I have received your very interesting proposition relative to erecting a Monument to the memory of Franklin; —

Surry Nov 24 1826

Dr Sir,

I received your note some days ago, but have not had time to make the estimate before —

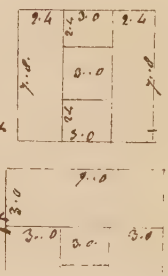
As the proportion of the top of the Obelisk to the bottom, is not given, I did not know the kind which would be preferred, and the estimate is made for the Sketch annexed — The price per ft. will not vary essentially for any other Obelisk if the Block of which it is constructed do not exceed in weight 10 tons —




Estimate

| | |
|---|---|
| — 452 ft. of elimination Stone at 14 Cts per ft. | 63.28 |
| — 494 ft. of fine Dressing at 36 Cts — | 77.84 |
| — 413 ft of Rud, Hewing at 18 — | 74.34 |
| — Hoisting and Landing 34 tons at 50 Cts | 17.00 |
| — Expense of foundation — — | 40.00 |
| — Setting 494 ft of Stone at 10 Cts | 49.40 |
| — — — | $ 321.86 — |

The expense of one 20 ft high in a simple Block would be no more than if constructed in parts, except the transportation. And but the present railway and apparatus which we now have, would be handy assistance to any of




Yours to Sol Wilmot

and I shall be happy to be the medium of communicating it to the City Council, whenever it shall be in readiness to be offered, nor can I question that it will be received with a spirit, by that body, in unison with the patriotic sentiment in which it originated.

Respectfully yr Ot St

17 Nov. 1826. JOSIAH QUINCY.

DR. WARREN TO FRANKLIN BACHE.

BOSTON, Dec. 19, 1826.

SIR, — You are no doubt informed that your ancestor the great Franklin erected a monument in Boston to mark the spot which contained the reliques of his parents. The inscription placed by him is nearly effaced, owing, to the badness of the material on which it was cut. Considering this, and that the monument being of brick, would soon decay, I have requested a number of the principal people of Boston, to unite in an application to the City Government for leave, to erect a suitable monument in place of that now existing. From an actual experiment I know that an obelisk or strictly, a pyramid of granite of six feet base and twenty feet height will form a beautiful and durable structure, — in strength and simplicity adapted to the name it bears. Leave has been obtained. It now remains that the permission of the descendants of Franklin be asked. Not knowing where I could apply to Captain Bache, I thought the slight correspondence I had with you last summer would form a sufficient opening to admit my addressing you on this affair in order to request you to ascertain the sentiments of those interested, and to obtain their leave to promote the intended structure. With much consideration Your very obt. Ser.

[*Unsigned.*]

ACTION OF CITY COUNCIL.

CITY OF BOSTON.

The Committee of both branches of the City Council to whom was referred the petition of the Hon. William Phillips, and others, praying to be permitted to erect in the Granary burial ground, a suitable monument to the father and mother of Dr. Franklin,

Respectfully, Report,

That in the opinion of your committee the proposal is of a most honorable and patriotic character and deserves the approbation of all, who justly appreciate the merits and services of the great man, out of respect to whose memory it has originated.

So far, therefore, as the City Council have authority on this subject, your committee recommend that the permission solicited be

granted, and that the petitioners be assured that any countenance or encouragement, which may be necessary and within the powers of the City Council, will be readily extended to a design, at once grateful to the feelings and honorable to the character of our Citizens.

All which is respectfully submitted.

By order of the Committee,
JOSIAH QUINCY,
*Chairman.*

In Common Council, Decr. 18th 1826.

Read and accepted, and thereupon Ordered, that the City Clerk, transmit a Copy of the above report to the Hon. William Phillips, to be communicated by him to the other subscribers, as expressive of the sense of the City Council on the subject matter of their said petition.

It being understood nevertheless that it is the wish of the City Council that the present monument be not disturbed or removed. Sent up for concurrence.

JOHN R. ADAN, *President.*
In the board of Aldermen Decr. 25th, 1826
Read and concurred.
JOSIAH QUINCY, *Mayor.*

## RICHARD BACHE TO DR. WARREN.

PHILADA., 15 January, 1827.

SIR, — My Nephew, Dr. Franklin Bache, has handed me your kind and complimentary letter, to the memory of our much revered ancestor, and it gives me sincere gratification, as the only surviving grandson of Dr. Franklin, to assure you, that so far from having any objection to the contemplated pyramid, I shall ever cherish with the most affectionate gratitude, those who have contemplated its structure.

You will oblige me by assuring the Gentlemen engaged in this work, that I shall always feel towards them individually, as the descendant of Dr. Franklin should; and for yourself, I beg you to accept, also, the assurances of my highest esteem. Yrs respectfully

RICH. BACHE.

## FRANKLIN BACHE TO DR. WARREN.

PHILADELPHIA, Jan. 27, 1827.

DEAR SIR, — I owe you many apologies for having so long delayed to answer your gratifying letter of the 19th ult., in which you

inform me, that a number of the principal citizens of Boston are desirous of erecting a suitable granite monument over the remains of Dr. Franklin's parents, in place of the present one, which is in a state of dilapidation. You have been pleased to add, that the consent of the descendants has been considered necessary for the prosecution of the laudable design, and have requested me to ascertain their sentiments on the subject.

The descendants of Franklin could not feel otherwise than highly gratified at this evidence of respectful feeling towards the parents of their great ancestor; and, so far from entertaining any possible objection to the contemplated structure, must deem themselves honoured by the state of public feeling, which has called for its erection.

Although the asking the consent of the descendants could not be necessary in a case like the present, where no possible objection could be anticipated; yet I deemed it proper to inform those interested of the intention of the Gentlemen of Boston, as communicated in your kind letter, in order that they might duly appreciate their sentiments. In every instance, the replies I have received, have evinced a feeling of gratitude for the spontaneous act of respect, intended to be paid to their ancestors; and of warm acknowledgment for the delicate course, which dictated the application for their consent.

For myself, I need hardly add, that my sentiments and feelings are altogether in unison with those above expressed; and that I feel much gratified at being the organ of their communication.

I am, dear Sir, with great respect, your obed$^{t}$ Serv$^{t}$

FRANKLIN BACHE.

## VOTES OF COMMITTEE.

At a meeting of the Committee for erecting the Franklin Monument, March 8, 1827.

*Voted* That the Monument be 20 feet high of the same proportions as the plan exhibited in a drawing by S. Willard, composed of Quincy granite, with bronzed inscription.

*Voted* To proceed to raise $1000 by subscription for the execution of the above object.

*Voted* That the subscription paper be handed to those gentlemen who have already expressed a disposition to subscribe and afterwards put in the hands of A. Lawrence Esqr.

*Voted* That this committee adjourn to meet on

*Voted* That Mr. S. Willard be requested to furnish a plan with estimates.

### DR. WARREN TO AMOS LAWRENCE.

Monday.

DEAR SIR, — It will be best for this paper to go to some other gentlemen before my name is down.

The subscription of Mr. Tappan is to be kept out of sight entirely.

Mr. Ticknor has agreed to put down $20. and I think he said the same for Mr. Webster. I have spoken to Mr. J. W. Ward, who will do something. I shall subscribe $20. Yrs

J. C. WARREN.

P. S. After *waiting 3 days* Mr. Winthrop has sent me the subscription you see.

If you think it will hurt the progress of the subscription it will be best to strike it out.

Those with the cross are *petitioners*.

Petitioners not to be applied to, W. Phillips, Mr. Winthrop, Austin, Russell, Fairbanks, Lyman, Sears, Oliver, Webster.

| | |
|---|---|
| Sam[l] Appleton | Joshua Clapp |
| Nathan Appleton | Sam Dorr |
| *James Lloyd | Jon[a] Amory |
| Sam[l] Swett | Benj Joy |
| *W[m] Sullivan | George Brimmer |
| J. W. Revere | *Martin Brimmer |
| G. W. Ward | Amos Lawrence |
| Sam[l] R. Miller | *George Blake |
| E. H. Robbins | George Bond |
| Jos. Hall | John Wells. |
| W[m] Payne | Thos. Welsh |
| Thos. Thompson | N. P. Russell |
| *George Ticknor | B. Wiggin |
| *J. C. Warren | E. Tuckerman |
| T. H. Perkins | Eben Rollins |
| James Perkins | Trott & Bumstead |
| W[m] Eliot | Sam[l] Hubbard |
| John Parker | Caleb Loring |
| Thomas Motley | W[m] Prescott |
| John Bryant | E. Francis |
| W[m] Sturgis | T. Cordis |
| S. Whitwell, Jr. | H. G. Otis |

### SUBSCRIPTION LIST.

In order to testify the respect which the citizens of Boston have for the public services and scientific character of Benjamin Franklin, a native of Boston, it is proposed to erect a suitable monument over

the spot, where the remains of the parents of this distinguished person are deposited, and for this purpose the subscribers agree to contribute the sums placed against their names, respectively.

Boston, March 10, 1827.

Note. The sum required to be raised is one thousand dollars.

| | |
|---|---|
| William Phillips | Fifty Dollars |
| Thos. L. Winthrop | Twenty Dollars |
| Wm. Sullivan by Amos Lawrence | Twenty Dollars |
| David Sears by Amos Lawrence | Twenty Dollars |
| Abbott Lawrence | twenty dollars |
| Geo. Ticknor | twenty dollars |
| John C. Warren | twenty dollars |
| Joseph W. Revere | Ten dollars |
| Danl. Webster | Twenty dollars |
| Thomas W. Ward, | Ten Dollars |
| Charles Lyman by A L. | Ten |
| Joseph P. Bradlee by A. L. | 10 |
| Sam[l] Appleton | Fifty Dollars |
| Rob. G. Shaw | 20 |
| Jno. Heard Jr. | 20 |
| Saml. Dorr | 10 |
| Jas. Lloyd | 20 |
| Benja. Russell | 5 |
| Amos Lawrence | 20 |
| Wm. Lawrence by A. L. | 10. |
| J. T. Austin by A. L. | 10. |
| Israel Thorndike by A. L. | 20. |
| Wm Sturgis by A. L. | 10. |
| Henry Oxnard | 5. |
| T. H. Perkins | 25. |
| Tho. Melville | 15. |
| H. A. S. Dearborn | 20. |
| W & G. T. | 5 |
| T. K. Jones | 10. |
| J. Hunnewell | 10. |
| D. P. Parker | 10. |
| John C. Jones | 20. |
| McLellan and Chadwick | 10 |
| Almoran Holmes | 10. |
| James S. Savage | 10. |
| The amount of subscriptions is on the sixth of Aug. 1827 | $575.00 |

At a subsequent meeting of the Subscribers held at the American Insurance Company's Office in Boston, Doct. John C. Warren, Gen. Henry A. S. Dearborn, Geo. Ticknor and Amos Lawrence were appointed a Committee to carry into effect the object set forth in the foregoing subscription paper, which Committee adopted the model of a monument submitted by Mr. Solomon Willard (the ingenious and disinterested architect of the Bunker Hill Monument) of the pyramid form, and through the voluntary assistance of Mr. Willard, and the liberality of the Quincy Rail Way Company who permitted them to take from the Bunker Hill Quarry at Quincy, the Stone necessary for the monument free of expense, they were enabled on the [15] June 1827 to lay the Corner Stone, and within a few days after to complete the structure, which the Committee trust will be found to accord with the wishes of the Subscribers, and the taste of the Public, the cost of which is $940.28

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| | |
|---|---|
| Ebenr T. Andrews for himself and his late Copartner, Isaiah Thomas, Esqr of Worcester | 20. |
| William Hilliard | 5. |
| W. Burditt | 5. |
| Benj. Loring | 5. |
| Harrison Gray | 5. |
| Young & Minns | 5. |
| Josiah Loring | 5. |
| Richardson & Lord | 5. |
| Bowles & Dearborn | 2. |
| Cash | 2. |
| Ch. Tappan | 20. |
| John Tappan by A. L. | 100. |
| John C. Warren, a further sum by A. L. | 80. |
| Amos Lawrence balance to pay for the monument | 106. |
| | $940. |

The committee chosen for building consists of Dr Warren, Genl. Dearborn, Amos Lawrence and George Ticknor Esqrs.

The stone work of the monument is completed: in part paid for and will be erected in a few days.

Subscribers are authorized to pay their subscriptions to the bearer of this paper.

On the [15] June the ceremony of Laying the corner stone was performed under the inspection of the officers of the Mechanic Association of this city, when an address was made to the citizens

by Gen. H. A. S. Dearborn, on behalf of the building committee and also by Mr. [Charles] Wells, the President of the Mechanic Association.[1]

### Dr. Warren to Joseph Warren Revere.

Boston, March 31, 1827.

Dear Sir, — Perhaps it is in some respects unfortunate to have the reputation of public spirit and patriotism, since it exposes us to claims we otherwise might escape. It is this which leads me to send you the plan and subscription paper for the Franklin Monument. We Bostonians do, on every ground owe more to the name of Franklin, than we have paid, and we especially owe to ourselves to make it known and impress it on the public mind, that he was a native of Boston and here obtained that education, which, with his native talent made him one of the most remarkable men and one of the most distinguished patriots of this or any age. The plan proposed is simple, appropriate, and striking, a pyramid of granite twenty feet high with *bronze* inscription. It will be an ornament to this vicinity and I trust a gratification to those who do it. For which reason I propose to you to offer the paper to Mr. Miller and any other gentleman you think best. The work will go on. The only question is whether it shall be done in the best manner or not. Very faithfully yours

John C. Warren.[2]

### H. A. S. Dearborn to Dr. Warren.

Brinley Place, Apl. 13, 1827.

My dear Sir, — I send you the proposed inscription for the Franklin Monument, and a drawing, by Mr. Willard, representing the position of the bronze tablet and letters of the name — *Franklin*. The tablet is 32 by 16 inches, with a border raised an inch, two inches wide, round it, and is sunk an inch within the surface of the stone.

I have also drawn two letters F and N, of the size intended for the name of Franklin, fixed to the stone, over the tablet, and a section of the tablet as fixed to the stone. I have consulted Mr. Willard, as to the size of the tablet and the manner of placing it, who approves the arrangement.

[1] An account of the proceedings will be found in the *Columbian Centinel*, June 23, 1827. James Sullivan Savage was the mason.

[2] Original letter given in 1887 to J. Collins Warren by Joseph Warren Revere, grandson of the person to whom the letter was written.

The inscription, which I have ordered under the epitaph, is submitted to the committee. I presumed it was only necessary to state a fact, in the most simple manner, having a proper respect for the illustrious individual, whose fame is so dear to us.

As it is necessary the tablet and letters should be ready, as soon as the monument is up, it is important that they should be commenced immediately. Will you either show the inscription to the other gentlemen of the committee, or call a meeting, as may be thought best, that their opinion may be known.

With the highest respect your most obt. St.

H. A. S. DEARBORN.

MY DEAR SIR, — Please to alter the following to meet your taste.

The above inscription having been
nearly obliterated by time,
A NUMBER OF CITIZENS,
Respecting the memory of the
Illustrious
Benjamin Franklin,
Erected this obelisk.
MDCCCXXVII.

Your truly,
H. A. S. DEARBORN.

[Enclosed, and in the writing of Dr. Warren:]

The original inscription having been effaced by time, a number of citizens of Boston, have erected this Monument and renewed the inscription as a mark of respect for the memory of the illustrious Benjamin Franklin.

### CHARLES TAPPAN TO DR. WARREN.

BOSTON, Apl. 24, 1827.

MY DEAR SIR, — I return to you the Subscription paper for the Franklin Monument, without subscribing, as you suggest. I did intend to put my name to the paper for a small sum, but will withhold it, to ascertain what may be wanted to complete the work. I will not *promise* to give much, at last, for I think the expense should be borne by *every person* who is able to give; and that large sums ought not to be asked or expected from *any one*.

When I get time, I intend to read your "Blacksmith." I am, Dr. Sir, Yours truly,

CHS. TAPPAN.

### To the Contributors to the Franklin Monument and other Citizens of Boston.

The subscribers having been appointed by the contributors to the Franklin Monument, to be a committee to erect the same have effected the object of their appointment in as economical a mode as possible, and they have reason to believe that the pyramid which has been erected is satisfactory to the citizens and creditable to the town. The monument will soon be enclosed by a handsome iron railing.

On collecting the sums subscribed, and the bills of expenses, it appears that [ ] dollars have been received, and that the expenditure [ ] amounts to [ ] dollars; so that [ ] dollars remain to be raised.

We hope that the accomplishment of a public monument which is designed to appropriate to this city the fame of having given birth to one of the most remarkable persons of the age, will not be regarded with indifference by the citizens of Boston. We have therefore taken the liberty of requesting your aid, if you should judge the object worthy of it. Note. This paper will be called for in a week.

John C. Warren<br>
H. A. S. Dearborn } *Committee.*<br>
Amos Lawrence

The subscribers agree to contribute the sums opposite to their names towards the completion of the Franklin Monument.

Endorsed: Plan of further Subscription proposed by Dr. Warren.

Memo. Dr. Warren and myself paid the deficit, considering it the easiest and most comfortable mode of getting over the trouble.

Amos Lawrence.

## Edward Ashley, Trader at Penobscot.

The story of Edward Ashley, trader at Penobscot, is told by Bradford in his *History*.[1] By the courtesy of Mr. Frederick Lewis Gay, the following documents are now printed. The originals are in the Public Record Office, London (*State Papers*, Colonial, VI. 40), and the series relate to an inquiry held on the conduct of Ashley, charged with selling guns and ammunition to the Indians. Ashley's own affidavit will be printed in the new edition of the History.

[1] *History* (Deane's edition), 257, 267.

To the Right ho[nora]ble the Lords of his Ma[jes]ts most ho[nora]ble Privie Councell.

The humble petic̃on of the President and Councell for the Affaires of New England.

Whereas it pleased his Ma[jes]tie out of his Ṙoyall care for the prosperitie and safety of the Planters in those Territories, to prohibite by his gracious Proclamac̃on, the sale of any powder shott, peeces, or other kind of Armes to the sallvage people that might anie waie bee dangerous to the peaceable Inhabitants there settled; which hath accordingly bine putt in Execuc̃on, by those Governours therevnto authorised by whose dilligent care they have apprehended one Edward Ashley for the same facte and have sent him ouer, to aunswer his said misdemeanour, and forasmuch as it lyes not in your petic̃oners powre, otherwaies to proceed against him then by the Authoritie of this ho[nora]ble board

Therefore they humbly pray That some such order may bee taken for Examplary punishment as may best sorte with your graue wisdomes.

And your petic̃oners &c.

Sir, — According to the directions of their L[ordshi]ps I have examyned Edward Astly concerneing the delivery of certayne armes to the Indyans of New England which I send enclosed with the testymonyes against him. before the proclamation of restraynt it was as he sayeth a common vse and sithence he hath forborne it. If nothing els be done it may be convenuent that he give caution not to furnish them any more. I comitt you to god and rest

Your assured frend

Wm. Noye.

11 Febr. 1631.

[Addressed,] For Mr. Mewtys.

The Examinations of seuerall wittnesses taken vppon oath before Captayne Walter Neale in New England concerninge the vnlawfull Tradeing of Armes and Muinition by Edward Ashley late Inhabitant of the said Country.

The Examination of John Deacon servaunt to Edward Ashley taken the 19th of Jully 1631.

Hee saith that the said Edward Ashley a little after Michaelmas did trade at his owne house at Penobscott otherwise called Machabitticus with divers Indians that came thither to him as much powder and shott as he receaued thirteene skins of Beauer in one daye and that divers tymes beffoer since his last Coming in to this

Country the said Edward Ashley traded divers barrells or vessells of powder.

Hee allsoe saith that Edward Ashley hath traded divers Rapier blades and to fourteene he hath beene an eye witnesse, and that there were one dozen and a halfe brought by the said Ashley in to this Countrye purposely to trade with the Indians: as he veerily beleeveth.

Hee further saith that hee hath knowne the said Edward Ashley to take of the locks of some of his owne peeces and traded them with the Indians to put vppon their owne peeces.

Hee allsoe saith that since the said Edward Ashley hauing beene forewarned and Advised by Captayne Neale and the gouernour of new Plymouth not to trade either armes or munition yett not withstanding since that time he traded with some Indians powder and shott. Hee saith that not long befoere Christmas when Edward Ashley went to New Plymouth he toeld Thomas Willett whome he left at Penobscott that because he had but few Commodities to trade with the Indians that therfoer he had left him some blacke stuffe meaneing powder, which he wished him to trucke away but Thomas Willett refused to doe it.

Hee further saith that Thomas Willett and William Fipps are better acquainted with his vnlawfull trafficke then this Examinat knoweth of as hee verily beleveth.

The Examination of Henry Sampson taken the 19th of July 1631.

Hee saith that in May last Edward Ashley did lend a peece to an Indian and receaued a Beaver skinne for the loane thereof — as concerning his vnlawfull trading of powder and shott and other armes he hath often heard his Fellow servantts accuse him of it amongst them selves and said that when they should be examined vppon their oath they would Confesse the truth.

The Examination of George Wattson taken the 19th of July 1631.

Hee saith that in Maye last Edward Ashley deliured a peece to an Indian but for that he onely lent it him and for the loane receaued a Beaver skinn, as for his other and often Trading of Armes and Muinition with the Indians he can testifie nothing vppone his owne knowledge but hath often heard his fellowe servaunts report it who saide they knew it well.

The Examination of Oliver Callow taken the 19th of July 1631.

Hee saith that not long before Christmas he saw Edward Ashley trade powder with the Indians for which he receaued one skinne.

Hee allsoe saith that he hath alsoe heard his fellow servaunts accuse Edward Ashley to haue traded powder severall tymes with the Indians.

Hee saith that at his Cominge in to the Countrye he knew him trade some lead with the Indians but knowes not how much nor what Beaver he receaued for it.

Hee saith that in March last Edward Ashley lent a peece to an Indian for which he receaued one Beauer skinne.

Hee allsoe saith that at his first Coming he traded some Rapier blades with the Indians but knoweth not how much nor what he reced. for them.

Hee allsoe saith that he haeth heard Thomas Willett and William Fipps saye that he hath traded more armes and Muinition then this Examinant is Acquainted.

The Examination of James L[ ] taken the 19th of July 1631.

Hee saith that at his first Coming into the lande Edward Ashley traded halfe a Barr of leade with the Indians but knowes not what he receaued for it.

Hee allsoe saith that not long before Michaelmas last hee saw Edward Ashley carrye secretly to an Indian called O Dussett as he verily beleveth a barre of lead but he did not see him trade it himselfe but was tolde soe much by one of his fellow servaunts named Thomas Richard lately deceased but this Examinant heard when the saide Edward Ashley demaunded of the said Indian Three beauer skinns to be given for the saide lead.

Hee allsoe saith that at his first Coming into the Countrye hee sawe Edward Ashley trade two Rapier blades with the Indians but knowes not what he receaued for them.

Witnesses to the severall examinations

Isaa: Allerton
Henry Keys
Rich. Vines
Ambrose Gibbins
Leonard Yeo
Tho: Leius

Copia vera Ex. per me Wa: Neale.

[Endorsed] The Examinacon of seuerall wittnesses concerning the vnlawfull trading by Edward Ashley.

The Examination of Thomas Willett taken by Captain Hen. Keye, being deputie appoyntted by Captain Walter Neale for that purpose the 30th of July 1631 concerning the vnlawfull

trading of Armes and Munition by Edward Ashley late inhabitant of new England.

Thomas Willett first saith that to his knowledge Edward Ashley did the last somer sell a barr of lead and a peece of a barr in all aboute the vallew of 40 li. to the Indians for 4 skins.

Hee allsoe saith that hee did giue him order at goinge to plymouth to sell what powder he could to the naeteves but hee did it not but advertised him of the danger hee thought would follow. Moer ouer a parcell of a duzen and a halfe of rapier blades hee knoweth he sould to the Indians at seuerall times for a skin a peece.

Hee allsoe knoweth that since Christmas hee deliuered a quantety of powder to an Indian but what he had for it hee cannot tell.

Alsoe that in Maye last hee carried out a peece which neuier came bake again and that the Companye that went with him seeing him to deliuer it to an Indian.

Hee saide he lent it him for a skin for this present hee saith he cannot remember anye moer that att anie other time he hathe traded with the Indians.

Witneisseth this to be trueth
In the presents of vs
RICH. VINES
JOHN HARRIS

Copia vera ex per me Wa: Neale.

The Examination of William Phips taken by Captain Hen: Keye being deputie appoynted by Captain Walter Neale for that purpose the 30th July 1631 concerning the vnlawfull trading of Armes and Munition by Edward Astley late inhabitant of new England.

William Phips saith that he many seuerall times hath sene Edward Ashley sell to the Indians both pouder and shott hee remembreth aboute Mickelmas last for one perticular tim that he sould sixteene small beakers of powder and six pownde of shott for 3 skins.

hee allsoe saith that he would haue put a loke on an Indians peece which he tooke of his owne to that purpose but finding he could not make it Fitt notwithstanding with some pin or parte thereof he mended the Indians peece.

Many time he hath seene the Indians goe awaye with leade from his howse but how or vppon what termes he came by it William Phips knoes not. Rapier blades he hath often seeine him sell to the Indians knowing hee hade a parcell aboute a douzen and a halfe and he neuiar sawe anie dispoesed to any other vse but to the Indians.

Moer then this hee cannot call to minde nor knoweth Concerning Edward Ashley trading of armes or muritions.

Witnesseth this to be true
in the presence of
RICH VINES
JOHN HARRIS.

[Endorsed] The Examinacon of Thomas Willett the 30th July 1631 concerning the vnlawfull Trading of Armes & Munition by Edward Ashley.

Remarks were made during the meeting by the Vice-President, and Messrs. LONG, HAYNES, STANWOOD, and SANBORN.

## MARCH MEETING.

THE stated meeting was held on Thursday, the 14th instant, at three o'clock, P. M.; the first Vice-President, in the absence of the PRESIDENT, in the chair.

The record of the last meeting was read and approved; and the Librarian read the list of donors to the Library during the last month.

The Recording Secretary, as Corresponding Secretary, *pro tempore*, reported the receipt of a letter from Joshua L. Chamberlain, of Brunswick, Maine, accepting his election as a Corresponding Member of the Society.

The Editor reported that Mr. MINNS had given to the Society some manuscripts, among which are an order of the General Court of Massachusetts of November 2, 1655, on collecting the country rate in Indian corn; a petition of John Keen, 1676, asking for aid; and letters of William Eustis and Loammi Baldwin.

Rear-Admiral French Ensor Chadwick, of Newport, Rhode Island, was elected a Corresponding Member of the Society.

Mr. STOREY submitted a memoir of Ebenezer Rockwood Hoar.

The Vice-President reported the appointment by the Council of the following Committees, in preparation for the Annual Meeting in April:

To nominate Officers for the ensuing year,

Messrs. WALDO LINCOLN, BARRETT WENDELL, and MELVILLE M. BIGELOW.

To examine the Treasurer's Accounts,

Messrs. THOMAS MINNS and HAROLD MURDOCK.

To examine the Library and Cabinet,

Messrs. GEORGE F. MOORE, GAMALIEL BRADFORD, JR., and GEORGE H. BLAKESLEE.

The VICE-PRESIDENT said:

Since the last meeting the Society has met with a great loss. Two of the Resident Members have died with an interval of only six days between the dates of their death. They were classmates at college, and for four years sat next to each other on the same bench, where they were arranged in alphabetical order. Each took high rank in his studies, and stood near the head of the class at the time of his graduation, which was more than sixty years ago. *Eheu! fugaces labuntur anni.* They were thorough students, and for critical scholarship were the peers of any young men then in college. According to my recollection, which is not infallible, they graduated in the first six of the class.

Henry Williamson Haynes, Corresponding Secretary of this Society for the last sixteen years, died in Boston on February 16. He was an only son of Nathaniel and Caroline Jemima (Williamson) Haynes, and was born in Bangor, Maine, on September 20, 1831. His grandfather on his mother's side was the historian of the State of Maine. He fitted for college at the Boston Latin School and graduated at Harvard in the Class of 1851. For a year or two afterward he was engaged in teaching, and then began the study of law and was duly admitted to the bar in Boston, on September 26, 1856. From 1867 to 1873 he was professor of Greek and Latin in the University of Vermont, Burlington, and from 1869 to 1873 the librarian of the institution. At different times he served as a member of the Board of Trustees of the Boston Public Library and also of the School Board; and in both positions gave much faithful and conscientious service.

Professor Haynes was chosen a member of this Society on June 12, 1879, and served in the Council from 1881 to 1884; he was also one of the Publishing Committee on Judge Chamberlain's *History of Chelsea.* In college he was a fine classical scholar, and throughout life kept up a familiarity with Latin and Greek. The various publishing committees of the Society from time to time have had occasion to use his technical knowledge; and only recently the editor of the Cotton Mather diaries, in his preface, acknowledges the help received from Professor Haynes's scholarly supervision. He was much interested in archæology and the antiquity of man, and

wrote various papers on these subjects which have appeared in print. He prepared for Winsor's *Narrative and Critical History of America* a chapter on "The Prehistoric Archæology of America." His studies in this direction attracted the attention of scholars throughout the scientific world and received their warm commendation.

Professor Haynes was married at the American Legation in Paris, on August 1, 1867, to Helen Weld Blanchard, daughter of John Adams and Sarah (Harding) Blanchard, of Boston. I happened by mere chance to be in Paris at that time, but did not know of Haynes's presence there; and we met the next day, by accident, on the boat that took us from Calais to Dover on our way to London, when he introduced me to his wife.

Edward Henry Hall died at his home in Cambridge, on February 22, after a short illness. He was the eldest son of the Reverend Edward Brooks and Harriet (Ware) Hall, and was born in Cincinnati, Ohio, on April 16, 1831. Owing to ill health, his father, with no permanent settlement, was supplying pulpits in various parishes, and at one time was living in Cincinnati, during which period the son was born. Our member was fitted for college at the High School in Providence, where for more than thirty years the father was settled as the pastor of the Unitarian church. He passed his entrance examinations to Harvard College in August, 1847, at which time it was the custom, for the convenience of the examiners, to divide into small groups or sections the applicants for admission. I remember that Hall and I came in the same subdivision, and we have often spoken about it; though the fact was of no importance, still we liked to remind each other of it. Hall, Haynes, and myself belonged to the Class of 1851; and we sat on the college bench almost in touch with one another. Although the class was small in numbers, it has given nine members to this Society. Hall graduated at the Divinity School in 1855; and he held three pastorates, — the first at Plymouth, the next at Worcester, and the last at Cambridge.

In 1902 Harvard conferred on him the degree of S.T.D. He was chosen a member of the Society on December 10, 1899, and served in the Council for two years following the Annual Meeting of 1907.

I shall feel keenly the loss of these two men, as they were among the very small number of my friends whom I called by their given names or their nicknames; and they always addressed me in the same familiar way. I knew them both for sixty-five years, which is almost the limit of a man's life, according to the standard set by the Psalmist. For more than thirty years I have been in the habit of spending a night or two at Hall's house once or twice a year, where, as was our wont, we talked over old college matters, including officers and other persons of early times who were connected with the routine of our daily life. The intimacy between Hall and myself was very close, although in some respects we differed much from each other; and perhaps the very divergence in our tastes brought about the mutual attraction. Sometimes it seems almost as if the intimacy between two persons depends quite as much on differences in character as on similarity. One is drawn naturally, perhaps, to traits that he does not possess. Hall was very fond of the fine arts and made a critical study of painting and everything closely connected with that subject. I have been with him in Paris and other cities of Europe where he paid great attention to the famous galleries and examined closely the works of the old masters. I have been with him on the march in the army and have bivouacked on the same field with him; and the more I have known him, the better I have liked him. If an intimate acquaintanceship extending through a long life entitles one to give a correct judgment in regard to the fine character and solid worth of Ned Hall, I am that man. I have sometimes thought that there was a physical resemblance between him and General Washington, in their profiles; and playfully I have reminded him of the fact, when he would reply that the resemblance was mental or moral rather than physical. It was the more marked when he was mounted on his horse, of which he was so fond and which he rode much.

In our college course the Class of 1851 passed two years under the presidency of Mr. Everett and two years under that of Mr. Sparks. We thus had a good opportunity to compare the respective administrations of the two men.

Hall and Haynes "were lovely and pleasant in their lives, and in their death they were not divided."

The VICE-PRESIDENT then called upon Mr. BOWDITCH, who said:

Mr. Haynes was interested in archæology from many points of view, but the question of the antiquity of man was, perhaps, the side in which he took the most interest and to which he gave very close attention. His researches in Egypt, where he made a large collection of palæolithic implements gained him a medal in the International Congress of Anthropological Sciences in Paris. He described this collection in the Memoirs of the American Academy of Arts and Sciences under the title of "Paleolithic Flint Implements in Upper Egypt" — a paper which shows his familiarity with European prehistoric archæology and which was an important contribution to the story of the stone age in Europe. He also made collections in Italy and France, where he came into cordial relations with a number of the early noted scientists. In America he investigated the shell heaps of Maine, visited the Trenton gravel area and examined the deposits there. With Professor Shaler and others he visited the glacial deposits of the Franconian region, and while unsuccessful in finding traces of prehistoric man, he made a collection of Indian relics.

But it was not alone to prehistoric archæology that he directed his attention, for he was a learned classical scholar, having been professor of both Latin and Greek in the University of Vermont, so that his journeys to Italy were always, even in his later years, a source of great enjoyment to him, and resulted in a collection of Etrurian and Greek vases and Greek and Roman coins, which will soon come into the possession of Harvard College.

Besides the Memoir already spoken of, he wrote in 1888 a chapter in Winsor's *Narrative and Critical History of America* on the Prehistoric Archæology of North America, giving a general survey of the evidence then known relating to man in the glacial period. This was a valuable presentation of the subject, though his views afterwards underwent modifications. He also published a number of magazine articles, notably one in 1893, on "Palæolithic Man of North America."

He was a member of the Archæological Institute of America and edited the earlier volumes of Bandelier's reports for

that Association, — a work which required a large amount of time and thought.

Mr. Haynes was a very broad-minded man, one of more parts and sides than is often seen in these days of specialization.

But it is not as a scientific man that I like to remember Mr. Haynes. All of us here know his bright, cheery tone, the warm grasp of his hand as he welcomed us, his kindly, generous and genial character, and there is not one of us who does not feel a sense of personal loss as we look at the place which he so long occupied here.

Mr. FORD adds the following note:

In the last three years I have seen not a little of Professor Haynes, for he came to the editor's room at first for a friendly talk and later on matters almost professional. He would describe with enthusiasm a journey in search of archæological objects, his haunting of gravel pits as they were worked, his bargaining with the workmen and the resulting treasures in bone and stone. A meeting with a fellow collector only added zest to the search, and an exchange of ideas and of objects would follow, in which the feeling of traffic and advantage was entirely absent, and only a true sympathy of science guided the division which would give to each party a fair portion of the more perfect and characteristic specimens. A visit to the upper room in his house where his objects were laid, in boxes, on shelves, and on temporary tables, each one duly numbered and each with a personal association connected with its acquisition, gave the impression of the true scientific enthusiast, tempered by an absence of assertiveness and by the expression of a reasonable doubt whether archæology has yet reached such a position as to enable its students to speak with the precision which is due to a science. Ignorant as I was on his special subject, I could, as a collector in another line, feel and sympathize with his fervor in picturing his fortunate finds and the localities where found. His collections now go to Harvard University.

In another field I came into even closer contact with him, and in a dependence which was as necessary as it was grateful to me. In Latin or Greek he has been the constant and patient adviser, the kindly critic, and the unfailing guide. What this

means can be appreciated only by one who has in his weakness struggled with the Mather extracts in those languages. He identified many of the quotations used by Mather and gave minute attention to the final form in which they appeared. In one instance the crabbed writing had faded and only a few partial scratches of the pen remained — misleading as they proved. The want of sense was obvious and troubled Mr. Haynes; and again and again did he come with suppositions and suggestions, to be tested by those apparently unrelated lines and dots. None of them satisfied him, and the volume was printed with a Latin sentence which could not be construed. This defect haunted him and he would still search for the one essential word. Accidentally holding the manuscript in a certain light, I was able to determine three letters of the word, and with these as a base, I sent him a note asking if they could furnish the key. Within an hour he came, showing as much joy as though he had found a novel stone implement, one calculated to make a stir among his colleagues. It gratified his sense of completeness and finish. It was this manifest love for his studies and his thoroughness in pursuing them which have made me turn to him with confidence and a generous return.

Dr. De Normandie then spoke as follows:

Edward H. Hall was born, April 16, 1831, in Cincinnati, Ohio, where his father was a settled clergyman. The next year his father removed to Providence, Rhode Island, where he was for thirty-four years the distinguished and beloved minister of the First Congregational Church. Hall graduated at Harvard in 1851, and from the Divinity School of Harvard in 1855. He was ordained in 1859 over the First Parish in Plymouth, which was founded at Scrooby, England, in 1606. While there he entered the army as chaplain of the 44th Regiment of Massachusetts Volunteers. In 1869 he was settled over the Second Congregational Church in Worcester, where he had a wide and deep influence over young persons and in all civic affairs. He had a conviction that a minister ought not to remain over one church more than about ten years, because he could not sustain the effort of preparing sermons on subjects which would have a fresh interest or be of sufficient intellectual worth

to satisfy an intelligent congregation; so in 1882 he accepted a call to the First Parish of Cambridge, where he preached about ten years, thus ministering for a little over thirty years to three of the oldest and most cultivated churches of New England. In 1893 he resigned from the Cambridge parish, and at Brookline and Cambridge spent the remaining years of his life in a quiet and dignified leisure, in extensive traveling, in chosen studies, and in the companionship of a large circle of close and admiring friends. He was for a time a lecturer on the History of Christian Doctrines at the Harvard Divinity School; received the degree of S.T.D. from Harvard University in 1902 and was elected a member of this Society in 1899. He published four books on theological subjects, — *Orthodoxy and Heresy in the Christian Church; Sermons on the Life of St. Paul; Papias and his Contemporaries*, and *Paul the Apostle* — also a volume of sermons preached at Cambridge.

These are the few incidents in a long life of singular attractiveness and satisfactions.

His dignified and noticeable bearing was but the outer vesture of a character still more winning. On horseback he was a commanding figure, and often have I seen a number watching him on his mettlesome horse, quite fearful that he must be thrown — but he never was. His favorite steed was old, like himself, and had begun to stumble, and unwilling that another should ride him, he had him shot, and horse and rider stumbled into the unknown about the same time.

After he gave up the ministry, he was himself a constant worshipper, because he believed in the high and helpful influence of the church — unlike so many clergymen who show a marked indifference to the services of the sanctuary when they no longer perform them, or as my predecessor, Dr. Putnam, said, when asked why he did not give up preaching after infirmities beset him, "because he was afraid he should have to listen to somebody else." Hall combined the rare qualities of a very radical thinker in theology and an unbiassed critic with great devoutness and reverence for the essentials in religion. He worked without haste and without rest, and always held himself to the highest ideals of public and of private life, and no one could be more severe against everything which seemed to him to have the least departure from truthfulness

and honor. When the Civil War came, and a great wave of fine patriotism swept over the country, and a multitude of young men offered their lives for its higher liberty and union, Hall joined them in utter loss of self in devotion to the cause. As the years went on, and the glow of patriotism turned into the plunder of the pension system, he wrote words of fiery indignation which I am sure the President of our Society would commend and which every one to-day might well ponder. He wrote in 1890:

> I am anxious to leave upon you the impression that the entire pension legislation of the last ten years is the most disreputable business in which an honorable nation can possibly engage; that it carries in itself all the elements of hypocrisy, corruption, and demoralization; that it is a burlesque upon statesmanship, that it is a libel upon charity, and that it strikes the most cruel blow at patriotism which that noble sentiment ever received.[1]

Of great refinement and sensitiveness, he could ill bear any coarseness or sensationalism or charlatanism, or any departure from the exact line of truthfulness and honor, in scholarship or in life. It is always the charge against superior culture and refinement that it seeks to withdraw from the many and to be satisfied with the few; it suffers so from the coarse or rough voice or ways of the multitude, — but never was one who had a wider sympathy or a deeper interest or a broader fellowship with those who cherished fine ideals. He gave the impression of one who lived on the heights. He had a rare union of gentleness and strength. He was a fine example of the culture, refinement, scholarship, and spiritual-mindedness so marked among the early leaders of Unitarianism in New England. As the years went on, his was an ideal old age, — an old age that sat so lightly upon him it was more like a glorified youth. There were many who found in him the truth of the old proverb, "A faithful friend is the medicine of life."

> When all have done their utmost, surely he
> Hath given the best who gives a character
> Erect and constant, which nor any shock
> Of loosened elements, nor the forceful sea
> Of flowing or of ebbing fates, can stir
> From its deep bases in the living rock
> Of ancient manhood's sweet security.

[1] *Proceedings*, XLII. 113–133.

The Council reported that Dr. De Normandie had been appointed to prepare the memoir of Dr. Hall.

Mr. SANBORN read a paper on the "Metabolism and Metathesis of Slavery."

Mr. DANA followed with a paper on

## THE TRENT AFFAIR — AN AFTERMATH.

I should note that during all the affair,[1] till the prisoners were *delivered* up, and in which period, as Mr. Adams says, almost every one in the United States was carried off his feet, and so many holding prominent positions openly lent their names to the discussion, Mr. Dana never appeared before the public as committing himself on the subject. His first *public* utterance to which his name was attached was in support of the rendition and of the chief ground on which that was made. In the casual and private conversation with his recent law-student, he must have meant, even if he did not say so, legal according to British precedent. Mr. Dana was far too good an authority, and was far too familiar with the War of 1812 and its causes, not to know that the United States denied England's right to take men (not in enemy's military service) from neutral vessels. He was far too familiar with the efforts of his grandfather, Francis Dana, when Minister to Russia, though not officially accepted at court, during the latter part of the Revolutionary War, in concert with American envoys to other courts, to work up European nations on that subject, not to know that other countries beside the United States were opposed to England's principles.

Under these principles Great Britain had forcibly taken from neutral vessels her own subjects, or those she claimed or thought to be her own subjects, even though they were rendering no unneutral service, and even when the neutral vessel was going from one neutral port to another, and regardless whether the men were seamen or passengers,[2] and for the sole purpose of securing their allegiance or service. This, as all authorities agree, was a claim of police authority on the

[1] Mr. Dana prefaced his remarks with certain facts already given in Mr. Adams' paper, p. 37, *supra*.

[2] Two nephews of General Washington were taken from a neutral vessel by a British man-of-war on the supposition that they were Englishmen.

high seas, and was not founded on the doctrine of belligerent acts of neutrals.[1]

Messrs. Mason and Slidell were still "citizens" of the United States.[2] The independence of the Southern Confederacy had not been recognized by a single nation, and, under the British principles, we could take them out as our citizens to secure their allegiance, to say nothing of the fact that their despatches, we now know, included military and belligerent matter.[3] But it is contended in Mr. Adams' paper that England had abandoned her right of impressment, as it was called, for fifty years. Some writers in the English magazines, to justify England's inconsistent attitude, made that claim, to be sure; but no such writer ever made any such claim before the Trent Affair was known in England.[4] Is that abandonment view well sustained? Not only in 1814 and again in 1818 did England refuse to abandon her claim, but in the correspondence between Mr. Webster and Lord Ashburton in 1842 she again refused; and in the Declaration of Paris, in 1856, which adopted for the leading European nations new articles on the rights of neutrals, she would not abandon her claim; and as late as December, 1860, President Buchanan in his message to Congress said that "the claim on the part of Great Britain forcibly to visit and search American vessels on the high seas *in time of peace* has been abandoned," referring to the old claim of 1812. This shows that she still claimed it *in time of war;* and Lord Palmerston's letter of November 11, 1861, two days after the seizure above referred to, still held to the old view.

So far, I have been speaking, as my father spoke privately to his young friend and wrote confidentially to Mr. Adams in London, from the point of view of a lawyer. In Mr. Adams'

[1] Dana, *Wheaton*, 175 *n*, 646 *n*.

[2] See United States Constitution Preamble. "We the people of the United States . . . do ordain and establish this CONSTITUTION"; Art. I, § 2, par. 2 and § 3, par. 3 provide that a United States senator or representative must be "a citizen of the United States" and "be an inhabitant of that State" for or in which he is chosen. By Art. VI, par. 3, United States "Senators and representatives . . . shall be bound by oath or affirmation to support this constitution." Both Mr. Mason and Mr. Slidell had been United States Senators.

[3] Mr. Dana, in his letter of November 25 to Mr. Adams, speaks of their "mission" being "hostile," but to take them off the neutral vessel could be justified only on the English principles. See also notes on p. 510, *infra*.

[4] The London *Times* made this claim the day *after* (viz. on the 28th) and still more emphatically on the 29th and 30th of November, 1861.

recent paper it is asserted that we had outgrown any such principle. We surely had in America; but even if England had outgrown it, she had not admitted it nor changed her law. She came forward, however, as prosecuting officer to enforce within her own jurisdiction new rules which she adopted only after the seizure, — a clear case of *ex post facto* law, on her part.[1]

To the question of whether, aside from the English principles, Messrs. Mason and Slidell could be taken off the *Trent*, or whether the *Trent* could properly have been taken to a United States port and condemned by a prize court, I shall not enter in so short a paper further than to remark that a second opinion of the British Law Officers, modifying their first one of December 11, was in favor of the right to condemn the *Trent* if taken to a prize court; though still later, on January 23, 1862, after the return of the prisoners, this was denied.[2] As a

[1] If we should have consented to play the war game under the British rules, was it sportsmanlike in Great Britain to change her rules after we had scored a point and insist on enforcing as against us this change? It may have been and was good policy for us to accept the change on her part, but was it fair for her to act as she did?

[2] The text-books at the time generally admitted the right to stop the ambassador of an enemy *on his passage* (*Wheaton*, § 504; *Phillimore*, 368, § 27, 369–374). This was based on the authority of Lord Stowell; but that opinion of Stowell's was *obiter dictum*, and the famous passage from Vattel misapplied. See Dana, *Wheaton*, 641 *n*; Harris, 249. Sir William Scott's (Lord Stowell) celebrated dictum reads as follows: "You may stop the ambassador of your enemy on his passage. Despatches are not less clearly contraband, and their bearers fall under the same condemnation; . . . when it is of sufficient importance to the enemy that persons shall be sent on the public service at the public expense, it is only reasonable that it should afford equal ground of forfeiture against a vessel that it has been let out for a purpose so intimately connected with hostile operations." Dana, *Wheaton*, 645 *n*. Vattel's statement, on which this dictum is based, clearly refers to the right to stop outgoing ambassadors on the territory or vessels of either party to the war, and not on neutral territory or vessels.

The claim of the Duke of Argyll that the termini being neutral ports wholly exonerates the *Trent* and which Mr. Adams sustains in his paper, is not well founded in International Law. The neutrality of the termini has an important bearing on the weight of evidence required for condemnation but is not conclusive of innocence. It is a question of the ultimate destiny. See Dana, *Wheaton*, 652 *n*, 667 *n*; also the Declaration of London (1909), Art. 30, and Wilson and Tucker, *International Law* (1909), 339. If we had had a right to take off the envoys at all, it was not necessary that the voyage should have been a "continuous" one from an enemy's port to sustain that right.

For an instance where an attempt was made to take an enemy's ambassador from a neutral vessel going from one neutral port to another, we have the case of

minor matter, I may state in passing that the claim in Mr. Adams' paper that it was absurd to class Messrs. Mason and Slidell as envoys, as they were only private citizens, is not upheld by Lord Russell, who in his letter to Lord Lyons of January 23, 1862, replying to Seward's letter of December 26, claimed that these gentlemen and their despatches had the protection of ambassadors, on the ground that they were envoys from a *de facto* state whose belligerency was generally recognized.

Now, from the point of view of statesmanship, Mr. Adams, our Minister to England, was wholly right, and deserves, as he does for his many other acts during the trying period when he was in London, the highest praise. This Mr. Dana very properly acknowledged in his letter to Mr. Adams of January 19, 1862, written after the surrender, saying, "You saw the question as a statesman, I only as a lawyer." Indeed, Mr. Dana did not discuss the advisability of surrendering the men regardless of the English law, but discussed only our *legal* rights. I wish to point out that Mr. Dana in this letter made no admission that he was wrong as to the British principles of law then in force. Mr. Adams had had no controversy

the British war ship *Africa* which in 1795 entered American waters for the avowed intention of seizing M. Fauchet, the French minister to the United States. He was on board the packet *Peggy*, a neutral American vessel going from New York to Newport, R. I., but hearing of the intention of the commander of the *Africa* he left the *Peggy* at Stonington. The *Peggy* was stopped, boarded, and thoroughly searched from the *Africa*, and great disappointment was shown on account of the absence of M. Fauchet. The British vice-consul at Newport aided in the matter. See Harris, 278; *Senate Executive Document*, No. 4, 3d Session, 37th Congress.

Mr. Adams in his paper, arguing against the acts of Commodore Wilkes, speaks of the absurdity of such right of search in modern times, instancing the possible stopping of the *Lusitania* or the *Oceanic* by a Mexican or Portuguese battleship. It may be remarked that although carrying envoys and diplomatic despatches is not to-day belligerent service, yet the Declaration of London of 1909, signed on behalf of the ten chief maritime powers of the world and purporting to state the generally recognized principles of international law, allows on mere suspicion the right of stoppage, visit, and search, resistance to which would subject the vessel and her owner's goods to condemnation. Some instances of belligerent service are, carrying an individual embodied in the armed force of an enemy, or contraband goods, which are carefully defined, or making a voyage "with a view to the transmission of information in the interest of the enemy," or with knowledge of the owner "transporting one or more persons who, during the voyage, lend assistance to the operations of the enemy"; and the fact that the voyage is from one neutral port to another is no defence if the ultimate destination is for the enemy. See Wilson and Tucker, *International Law*, 450–468; "International Law Topics," U. S. Naval War College, 1910.

with Mr. Dana on that point. He admitted it, when he called those principles "cast-off rags," recently "cast-off" only, as Mr. Adams said, "because the sin had become inconvenient." Mr. Dana was not acting in a position of responsibility. To illustrate how that may affect one, let me recall that in 1867, when Mr. Dana was retained by the United States Government as counsel for the trial of Jefferson Davis for high treason, after giving the law and showing how an impartial jury might legally be selected, perhaps from the State of Pennsylvania where Davis' troops had been fighting, he took the view of the statesman and not of the lawyer, and strongly recommended as the wisest and best policy for the future of our reunited country the release of Mr. Davis.

Mr. Sumner's great speech in the Senate upholding the return was made on January 12, just two weeks after Mason and Slidell had been given up. Before that date Mr. Dana, who was in Washington to argue a case before the Supreme Court and to consult regarding the prize cases, had become thoroughly converted to the extra-legal view of accepting England's demand as an abandonment of her old principles, surrendering the prisoners on that ground, and thus establishing our views of what the law ought to be. I have the most distinct recollection of his return and of his enthusiasm for this the chief ground on which the return was made, and of Seward's letter,[1] as, in the main, a statesmanlike paper.

As to the threats of war by Great Britain and her "bullying attitude" and Mr. Dana's comments on this phase of the "Affair" in his notes to *Wheaton*, the recent paper of our President truly says, Mr. Dana made the mistake of saying that "The news of the capture of Messrs. Mason and Slidell reached Washington about the same time it reached London,"[2] and then adds, "the error vitiates Mr. Dana's whole criticism." Strangely enough, the dates of the facts which Mr. Adams cites, when examined in their turn, vitiate Mr. Adams' vitiation, if one bears in mind the absence of the Atlantic cable. The news of the seizure reached Washington Saturday, Novem-

[1] Lothrop, *William H. Seward*, 302; and *Dana to Adams*, p. 131, *supra*. Letters show that Mr. Dana was in Washington from about January 2 to the 15th, 1862.

[2] Mr. Dana's conclusion that "each side [was] acting without hearing from the other" till the very last (655 *n*) is, however, true, as shown below.

ber 16,[1] and London, November 27, or eleven days later. The threats of war in England were made immediately in public meetings and in the press.[2] Preparations for war were begun at once, "on a scale which was sufficient to tax the utmost resources of the United Kingdom," [3] with work day, night, and Sundays; troops were immediately ordered to Canada, cannon bought, the navy put on a war footing, a shipment of saltpetre to the United States Government stopped, a letter written to the Canadian authorities to prepare for war, and a peremptory demand made to the United States to be answered in seven days, with the alternative of the withdrawal of the British Minister from Washington, — all consummated by the 30th of November.[4] Now, Mr. Adams gives it as the excuse for this warlike and "bullying" attitude that England had been aroused by the events in America during the eleven days between November 16 and 27. But it took twelve days for news to go from New York to London. The 16th was Saturday. An examination of the United States newspapers shows that only a brief and somewhat incorrect statement appeared that afternoon, with no editorials. There were no Sunday papers. The first "rejoicings" appear in the United States papers of Monday, the 18th. There were no Monday or Tuesday sailings. News of Wednesday the 20th would not arrive in London till about December 2. Now, let us turn to the London *Times*. Its files show that not even the news of the first popular, unofficial "rejoicings" had reached London by the eventful 30th, — the day of war preparations begun and peremptory demand sent. The *Times* of the 30th states: "The public advices by this arrival [the last from the United States] do not mention the arrival of the *San Jacinto* at any American port." The first

[1] Too late for more than a mere notice in the Saturday evening papers. The rejoicing did not appear till Monday, the 18th.

[2] The Liverpool meeting of "indignation" at the "outrage on the British flag" was held at 3 P. M. on the afternoon of the 27th. Harris, 146; London *Times*, November 28, 1861.

[3] Harris, 141.

[4] Bancroft, *Seward*, II. 226, 227. See also London *Times*, November 30, p. 9. The royal order preventing the shipment of any saltpetre to the United States, as the London *Times*, December 2, said, "to prevent a power so arrogant and so much under the influence of passion from obtaining materials of war which may hereafter be turned against us," was dated November 30. The transport *Melborne* was chartered for troops and war material to be carried to America, November 30. For some other war preparations of the same date see the London *Times*, December 2, p. 7, col. 6.

news of the "rejoicings" appears in the *Times* of December 3,[1] brought by steamer leaving New York November 20. So Mr. Adams' words "about the same time," referring to news of our "rejoicings" and "slopping over" reaching England when she first heard of the seizure, also need to be changed.

The chief events Mr. Adams refers to in this connection were the indiscreet speeches of the Governor of Massachusetts, the Chief Justice of the State, and others at the Wilkes dinner given in Boston on the evening of November 26. They were printed in the Boston papers of November 27, only three days before the eventful 30th.

The only possible question remaining is, whether the English preparations for war might have ceased after November 30, say December 12, had not the news of this Boston dinner and other rejoicings reached the British Government. There are no indications that such is the fact.[2] Though Boston is the "hub of the universe," it was not for Great Britain the centre of diplomatic influence; and I doubt if these speeches would have had any more influence in England than a speech of the mayor of Birmingham would have had with us; but at all events, even supposing that the British Government would have ceased its preparation for war, cancelled the orders for arms, ammunition, and cannon, stopped work at her arsenals and on her ships, recalled her troops, and let the saltpetre, etc., go to the United States, news of this supposed change of attitude, had it taken place, could not have reached Washington before the Cabinet decision made December 26.

Were there any other happenings in the eleven days that would excuse the threat of war on November 30? The resolution of the national House of Representatives thanking Wilkes passed December 2, or two days later; and the half-approval and half-disapproval of Gideon Welles, Secretary of the Navy, was dated the very same day, November 30. The London

[1] In the *Times* of December 2 appears a notice of the arrival of the *San Jacinto*, in a telegram from Queenstown of news from New York to the 20th.

[2] The London *Times* of December 11, saying there was no news from the United States later than November 25 (the day before the Boston dinner to Wilkes), still speaks of "war." The preparations had been going on, though the London *Times* of December 9 speaks of "a rapid subsidence of bluster" in the United States. For example, the transport *Australia*, engaged December 5, took on some troops for Canada December 11 and 12. The London *Times* of December 12 has the first reference to the speeches at the Boston dinner.

*Times* of December 3 and 4, after hearing of our "rejoicings," shows in its news columns that the New York *Tribune*, the chief United States Government organ, suggested, and the *New York Commercial Advertiser* advised, returning the envoys. The London *Times* editorials were more stirred up by the absurd fictions from its own New York correspondent [1] than by the actual statements in the United States papers. The London *Times* editorials show manifest unfairness in handling the material of its own news columns.[2]

There seems to be "nothing," then, "that called for a menace of war"; news reaching England December 3 could not have caused the action of November 30; and Mr. Adams' whole argument on this point falls to the ground.

In justice to Lord Russell it should be stated that on this same November 30 he addressed a second private letter to Lord Lyons, saying, "if asked, you will say that you desire to abstain from anything like menace." [3]

[1] The editorial in the London *Times* of December 3, says: "The news shows that the Federal public and forces have received their Commodore's exploit with considerable misgivings as to consequences. . . . Some portion of the New York press discovered immediately the weakness of their case." It then goes on to speak of the "violent acts of four boats' crew of American seamen," and "these cutlass-and-pistol-bearing Judges of the American Admiralty," and of a rumor that "Captain Wilkes is reported to have said 'right or wrong, these men had to be rescued,'" as far worse than the seizure itself. As a matter of fact the envoys were taken off with the least possible show of force, and the Slidell family had so testified at the official hearing, November 27; but the London press preferred to believe the absurd and unsustained stories of Commander Williams, who had been in charge of the mails on the *Trent*, as to how he had thrown his body in front of the Yankee bayonets to save the life of the helpless Miss Slidell. The New York correspondent's story which the *Times* swallowed whole and repeated editorially was, "that the seizure of the *Trent* is but the first of a series of similar acts; that steamers are being fitted out at New York for the express purpose of committing similar outrages upon our flag; that they have been designedly entrusted to the command of 'young officers,' and that those 'young officers' have been authorized to exercise great latitude in the execution of their instructions and have received assurances in advance of the support of the Government."

[2] Though on December 3 it prints some extracts from New York papers that favored giving up the envoys, in its editorial of December 4 it purports to furnish a summary of the Northern press and quotes only such passages as were hostile to Great Britain.

[3] This menace existed in *fact* if not explicitly on paper. Joab's words to Amasa as he smote him in the fifth rib were, "Art thou in health, my brother?" (Congressman Thomas of Massachusetts, Harris, 228). But after all, this second letter may show that Lincoln rightly applied to the situation his story of the two quarrelsome dogs on opposite sides of the fence who on finding an unexpected opening instead of attacking each other, turned and ran away. Harris, 186. As

This letter was never shown to Mr. Seward, and the fact of a menace of war, the demand for return and apology, and the seven-days limit were all that were known to our Cabinet.

An explanation for the hurried despatch of troops to Canada has been attempted of late years on behalf of Great Britain, namely, that this was the ordinary manœuvre of troops to Canada about that time of year. In reply it should be stated that large numbers of extra troops had been sent to Canada the previous summer.[1] The order was for thirty thousand men of the best fighting regiments of England (far beyond the usual quota); and the hurry in sending troops at this time was so great that the *Persia* was taken off her regular passages, and among the transports used was an American side-wheeler, the *Adriatic*, bought and so hastily fitted up that even the American flag on her paddle-box was not painted out. To show the spirit in which the troops left, a military band on board one of the transports played "Dixie," the favorite Southern tune. The justification of England's threatening attitude having failed, then, let me state that Mr. Dana's notes on Wheaton in 1866 only recorded what all the authorities at the time felt, and all, I believe, except Mr. Adams in his recent paper, have felt since, that England's course in this matter was unfriendly — some calling it "bullying" — and certainly a departure from the usual methods employed in diplomacy in such a case as this, which would be, even when the rules of International Law were more clearly broken, to call the attention of the Government to the facts, assume that the act was done without authority, ask for an explanation,[2] and only threaten war as a last resort, perhaps after refusal to arbitrate, never as the first step. As Mr. Harris has shown in a most conclusive manner in his *The Trent Affair*, the ruling class of Great Britain was intensely hostile to the North, beginning with the letter of Lord John Russell of February 20, 1861, which came like a bolt from a clear sky after the

against England there was the sudden appearance of two Russian fleets, one in San Francisco and one in New York, friendly to the United States, with sealed orders to be broken only in case of war between Great Britain and the United States. Russia was still smarting from her defeat in the Crimean War, for which England was so largely responsible. Harris, 209–210.

[1] Harris, 61.

[2] Dana, *Wheaton*, 653 *n*; Harris, 271; Sumner's speech, *Works*, VII. 342. In case there was a mistake compensation would ordinarily be expected as well as return. See also Declaration of London (1909), Art. 64.

unusually friendly relations following the visit of the Prince of Wales to the United States in 1860. This letter of Lord John Russell was most remarkable for its insulting language. It was written two weeks before the inauguration of Lincoln, and says, "Suppose, however, that Lincoln acting under bad advice should make political capital out of blustering demonstrations," the British patience "might be tried too far." Then there followed a series of articles in the papers and magazines, speeches by Lord Palmerston, Lord John Russell, Gladstone, and others, attacking the Northerners and showing confidence in the success of the Southern cause.[1]

The ruling class in Great Britain were in truth hostile to the North and ready to be stirred up to warlike measures at the first excuse.

On the same day that the news of the Boston dinner was published in the American papers, Mr. Seward wrote from Washington a letter to Adams in London, stating that Wilkes acted without the knowledge or authority of the United States Government, and that the Government was ready to consider the whole matter fairly. To show the spirit in which the British Government was acting, though the Government press had been constantly stating that the act was authorized, and indeed, part of a plan of Seward's for insulting Great Britain,[2] no denial was made from the Foreign Office, and the truth only came out in a roundabout way later. In addition to this, it now appears that Miss Slidell, who was among the *Trent* passengers who carried the first news to England November 27, immediately told the British ministry that the American officer who boarded the *Trent* took pains to state that the commander of the *San Jacinto* had no instructions from his Government, but was acting on his own responsibility.[3] We know, too, that the original draft of Lord John Russell's letter as submitted to the

[1] Harris, 17–59; Morley, *Life of Gladstone* (1903), 69–86; *Life and Correspondence of Lord Coleridge* (1904), II. 1–5.

[2] This was based on some misunderstanding by the Duke of Newcastle when he was in the United States in the Fall of 1860. He related how Seward told him he was about to have a very high office in the Federal Government, "and it will become my duty to insult England, and I mean to do so." This story was constantly repeated in the London press and believed generally.

[3] Lothrop, *William H. Seward*, 299. This statement of Miss Slidell was not known to Mr. Harris in 1896, when he wrote his admirable book on *The Trent Affair*.

Queen and the Prince Consort was so hostile in its form that the Prince Consort insisted upon its revision, — the last public act in the life of that noble man. We do not know the exact contents of the original draft, but we have learned that it had the words "wanton insult." The Queen's suggestions were adopted in the main, but couched in language less diplomatic and courteous than hers.

Mr. Adams suggests as justifying England's threat of war and her peremptory and offensive demand some American examples, one, the course adopted towards the United States of Colombia in respect to the independent Republic of Panama and the Panama Canal. In the light of recent research,[1] we trust this will never be considered a precedent for anything in the past or the future; but another instance cited by Mr. Adams, namely, the memorable message in the Venezuelan affair which President Cleveland directed to Great Britain on December 17, 1895, is worth comparing. Great Britain was then at peace, in possession of an enormous navy. The subject had been presented to her time after time in diplomatic messages,[2] only to be pigeon-holed. There was immediate danger of war breaking out between Great Britain and Venezuela which might arouse a war-cry in America over the Monroe doctrine and Cleveland's demand was for arbitration. To make America's attitude in the case parallel to England's in the Trent Affair, it should have been something like this, — that, with no previous diplomatic correspondence on the subject, the United States should demand in seven days the ceding of a definite tract of territory to Venezuela, on a threat of war, at a time when England was fighting for her very life, let us say, with Germany, and a refusal to allow the matter to be arbitrated. Indeed, the threat of war, when we had one of immense proportions on our hands already, is the only thing that has given the Trent Affair its real importance and differentiated it from the hundreds of other cases of the exercise of the right of search of neutral vessels on the high seas which have continued up to this very day.[3] In the present war between Italy and Turkey

[1] "A Chapter of National Dishonor," by Dr. Chamberlain, in *North American Review*, February, 1912, 145–174.

[2] About forty in all.

[3] Even unlawful acts following the search have not been made a cause of war. Dana, *Wheaton*, 653 *n.*

there have been several including the British steamer *Egyptian Prince*, going from Alexandria to Malta, both neutral ports, January 2, 1912; in the Chino-Japan War of 1894 there were eighty-one; and in the Russo-Japanese War of 1904–1905 sixty-four neutral vessels visited and searched. In two instances in the present war between Italy and Turkey, persons were taken off French vessels going between neutral ports without causing any threat of war or unusual preparations for it by the neutral government concerned. It was the disgrace of having to yield to such threats that made it so hard to give up the prisoners; and whatever may be said of the great length of Seward's letter, its sublimated passages, refined reasoning, and one bombastic sentence, in the main it was, as most authorities agree, a statesmanlike paper.[1] It adopted the very ground suggested by Mr. Adams, our Minister in London, by Sumner here, and by General Scott in Paris, that of giving up the envoys on the understanding that it was a moral victory for America in her contention for greater liberty to neutrals, and the disavowal and final abandonment by Great Britain of her claim of right in case of search to look for her own subjects and take them off the decks of neutral vessels. This chief ground for the surrender was what reconciled the Cabinet, Mr. Dana, and others to what otherwise would have been a humiliation, and formed the chief theme of Sumner's great speech in the Senate on January 10, 1862. Strangely enough, this point seems to have been lost sight of in later times. Mr. Adams' paper passes it over, though it is the very position he now suggests Seward should have taken on November 16, 1861, or, at least, on December 12. I find, too, in such good recent histories as that of Rhodes and Woodrow Wilson, that this portion of Seward's letter is not referred to. Harris clearly mentions it, but hardly gives it its due moral emphasis. Moore's very full *Digest of International Law*, though it gives all that part of Seward'sletter which leads up to the final sentence, that sentence which Seward considered the climax of the whole is omitted. The last portion of Seward's letter reads as follows:

"This Government after full examination of the subject decided that it could not detain the persons taken from the *Trent* by Captain

[1] "Most critics pronounce it a very able state paper." Harris, 221. Lothrop, *Seward*, 313; Bancroft, *Seward*, II. 253.

Wilkes without disavowing its own liberal interpretations of the law of maritime war," and then, after quoting from the correspondence between James Madison, Secretary of State in the administration of Thomas Jefferson, to James Monroe, Minister to England in 1804, regarding England's old claims, goes on to the climax: "nor have I been tempted at all by suggestions that cases might be found in history where Great Britain refused to yield to other nations and even to ourselves claims like that which is now before us. . . . She could in no other way so effectually disavow any such injury, as we think she does, by assuming now as her own the ground upon which we then stood." [1]

The reasoning of this part of Seward's letter is so like the editorial in the New York *Tribune* of November 20, quoted in the London *Times* of December 3, that it seems as if this editorial was inspired from our State Department, and strengthens the contention that Seward favored the return from the beginning.[2]

As abandoning forever the old claims of the War of 1812, we have Lord Russell's letter of January 26, 1862, in which he accepts Seward's claim that the United States would expect from Great Britain, or from any other friendly nation, the same reparation in a similar case.[3] Lord John Russell, in announcing the surrender to Parliament, made no mention of the real grounds on which it was made. In 1875 and 1876 I frequently visited Lord John Russell at Pembroke Lodge, and I had the audacity to ask the Earl one day why he had not stated these grounds to Parliament, as I thought such a statement would have very much allayed the ill-feeling that had been aroused in America over the affair. Lord Russell's reply

[1] *Senate Executive Document*, No. 8, 2d Session, 37th Congress, IV. 4–13. Seward's letter is not printed in the volume of diplomatic correspondence which contains some of the other correspondence on the Trent Affair, and in the only contemporary United States document where it appears it is so badly indexed that no one could find it without knowing previously that the letter existed and the date on which it was written. This may account for the passing out of mind of the most important part of Seward's letter. [The letter to Lord Lyons, dated December 26, 1861, will be found in *War Records*, Series II, II. 1145. *Ed.*]

[2] To be sure Seward and Horace Greeley were at sword's points politically; but this was a period of respite in their quarrels. The New York *Times*, personally more friendly with Seward, had some early suggestions of the surrender. See also Bancroft, *Seward*, II. 232–234, where it is maintained that Seward was against keeping the Southern envoys.

[3] *Executive Document*, No. 46, 2d Session, 37th Congress, III. 3.

was that Seward's letters were so long and verbose. Though the answer was unsatisfactory, it was a warning against too long preambles. The letter has something like ten printed pages of preamble before the climax is reached. Had it consisted of the last few paragraphs only, with the rest in an appendix, its real purport could not have been hidden.

London *Punch* gives a very good idea of current history. The first issue after the British demand, that of December 7, 1861, represents huge Jack Bull threatening a small Jonathan and saying, "You do what 's right, my son, or I 'll blow you out of the water." The next week appeared two cartoons, one in which Mr. Bull says, "Now mind you, Sir — no shuffling — an ample apology, — or I put the matter in the hands of my lawyers, Messrs. Whitworth and Armstrong" (the firm manufacturing and supplying cannon for the British navy). The other represents Britannia standing on a war-ship by a huge cannon loaded and capped, with a halyard in her hand, looking across the ocean, and underneath, "Waiting for an Answer." On December 28 *Punch* pictured "Columbia's Fix" — "Which Answer shall I send, [Peace or War]?" There was no doubt from this and from the London *Times* and all the English papers that the threat of *war* was clear in the British mind from the very first news of the seizure.

Now, what happened after the surrender? Had it been graciously received on the other side with some due recognition of the inconsistency of England's attitude, or at least some indication of her willingness to come to the American point of view, it would have done much to make friends with America. It was not even received in silence. It was received with taunts and abuse in the press and by the public men.[1] *Punch* of January 11, 1862, had a cartoon called "Up a Tree," representing a coon with the head of Lincoln among the branches, and John Bull pointing a loaded gun. The lines below are as follows: "Col. Bull and the Yankee 'Coon. 'Coon: 'Air you in arnest, Colonel?' Colonel Bull: 'I am.' 'Coon: 'Don't fire; I 'll *come down*.'" The true cartoon would have been Jonathan fighting for his life in a duel with a slave owner, and John Bull saying, "I'll stab you in the back if you don't stop doing what I always did myself." The other cartoon was "Naughty

[1] See Gladstone's Edinburgh speech, January, 1862. Harris, 235.

Jonathan," — Mrs. Britannia saying to Earl Russell, "There, John! He says he is very sorry and that he did n't mean to do it. So you can put this back into the pickle-tub" ("this" being a bunch of birch rods). This unfriendly attitude did more even than the original demand to stir up that desire for revenge which was so common in our country for many years after the Civil War.[1] Good Mr. Longfellow, who had subscribed for *Punch* from its beginning in 1841, closed his subscription with this volume.

I visited Inverary in 1875, when there were present the Duke and Duchess of Argyll (she being the daughter of the celebrated Duchess of Sutherland), the Marquis of Lorne and Princess Louise, Earl Shaftesbury, Lord Edward Cavendish (brother of Lord Frederick Cavendish who was assassinated in Phœnix Park), and some other members of the nobility, all I have mentioned by name being friends of Sumner. The Duchess asked me how it was that Sumner, who had so many warm friends in England, became so hostile to the country during the War. I gave as answer, first, his regret that England, the great anti-slavery country, should have sided with the South, and, second, an outline of the Trent Affair, with some of the points I have given here, presenting to the Duchess and those about her an entirely new view of the case, which they agreed did much to explain Sumner's state of mind.

Perhaps it is better to bury England's attitude in forgetfulness for the sake of friendship with her and the peace of the world; but if we do call it to remembrance, let us recall it correctly, and if we do bury it, let us not write on the tombstone "Justified," but rather "Forgiven."

The PRESIDENT of the Society was not present when the foregoing paper was submitted. A copy of it had, however, been sent to him in advance by Mr. Dana, and subsequently, on returning to the Editor the proof-sheets of the paper, Mr. Adams accompanied them with a letter in which he wrote as follows: — "I see little in Mr. Dana's 'Aftermath' to which I could, even did I feel so disposed, take exception; nor have I much that is new to add to what I have already said or communi-

[1] James Russell Lowell has written: "The laity in any country do not stop to consider points of law, but they have an instinctive perception of the *animus* that actuates the policy of a foreign nation."

cated, throwing light on the *Trent* affair as an episode now historical. Had I been present, however, when Mr. Dana read his paper, listening to it would have elicited from me one rather curious fact. Speaking from memory only — a very unreliable basis for any statement as to something which occurred or a conversation held fifty years ago — speaking, I say, in my paper submitted at the November meeting, from memory, of what took place in the office of Mr. Dana's father, in Boston, on the 16th of November, 1861, when the news of Captain Wilkes's action was first placarded, I had wholly forgotten ever having made any contemporaneous memorandum relating thereto. I find, however, that I did shortly after make what amounted to a diary record; and, by the purest accidental coincidence possible, I the other day, while engaged in investigations of a wholly different sort, came across this record of mine. I could not have seen it for years; but it has a distinct interest in connection with my paper on which Mr. Dana was commenting. Not only is it confirmatory of my recollection, but it vividly illustrates the quite irrational state of feeling prevalent when it was written, — a state of feeling in which morbid excitement combined with deep-felt anxiety. It is only here needful further to say that I was then living in the family mansion at Quincy, and my daily path to and from the railroad station was over a hill commanding a fine view of Boston Bay, with Fort Warren, covering the entrance to the harbor, distinctly visible. This contemporaneous record reads as follows: — 'I have never known news spread so quickly [as that of the seizure], or seen people so astonished, so delighted and so perplexed. First came a cackle of joy; and then, immediately on its heels, the question — What will England do? Immediately on hearing the news I went round to Dana's [R. H.] office, and asked about the law. The common fear as to England's attitude was, I found, not shared in that quarter; for Dana crowed with delight as I told him, declaring that "the Ambassador" [Mr. Adams] could on that issue "blow Earl Russell [the British Foreign Secretary] out of the water"; and pronouncing himself ready to stake his "professional reputation, on the proposition."' During the days ensuing thereon, the seizure, and the law relating thereto, were the one subject of conversation, and the newspapers were prolific of argu-

ments, and teemed with precedents bearing thereon; 'but,' I wrote, 'no argument or citation of authorities could shake off the sense of alarm, and, in the face of the law, stocks would fall;' which last fact clearly showed that our talk of going to war with England had in it a considerable infusion of brag. Still, our friends 'the Ambassadors' [Mason and Slidell] were in durance vile, which was a solid comfort; and, in sleet and snow, — in chilling winds and under cheerless skies, — my spirits rose as I walked to and from the railroad station — and looked at the low, distant walls of Fort Warren, surrounded by the steel-blue sea, and reflected that those amiable gentlemen were there; and there they would remain! I remembered the last exhibition I saw Mason make of himself in the Senate Chamber; and I smacked my lips with joy.

"Mr. Dana takes exception to the statement in my recent paper that in point of law Captain Wilkes' performance 'did not have, and never had, in reality, a justifying leg to stand upon.' That this was a somewhat sweeping statement, I admit; as, also, that as a rule such statements are at least undesirable. In this particular case, however, I see no occasion to modify it. I fail to see such occasion for the very sufficient reason that after the first unconsidered utterances in regard to Captain Wilkes' act, made under the intense excitement then on our side of the Atlantic universally prevalent, I do not know of a single attempt of any publicist, American or European, at a justification thereof. It has been, so far as my research enables me to form a conclusion, universally dismissed as from every point of view indefensible. It was indefensible on English authority and precedents because of the failure to seize the *Trent* as prize, and send it in for adjudication; and, on American and Continental grounds and contentions, it was in every respect an act in flagrant violation of accepted principles of International Law. Such being the case, I thought, and still think, the Wilkes seizure 'had not a justifying leg to stand upon.' This, also, on more careful consideration seems to have been the final conclusion of Mr. Dana's father (Dana, *Wheaton*, 176 *n.*, 485 *n.*, 659 *n.*).

"For the rest, I do not care to enter into further discussion of either the sequence of events at that juncture, or the question whether the course at the time pursued by the British

Government in vigorously preparing for possible eventualities was justifiable or otherwise. All I asserted in my paper was that 'something' was fairly to be said on the British side on that issue, and that Governor Andrew's announcement at the Wilkes dinner in Boston, that 'a shot fired across the bows of the ship that bore the English lion's head' had filled to the brim the cup of America's satisfaction over the event, followed hard by the 'emphatic approval' of the act by the Secretary of the Navy and its unanimous endorsement by Congress — [that] 'these surely were not utterances or incidents calculated either to allay British excitement or to lead to a countermand of warlike preparation.' I am unable now to say that I think this language either exaggerated or, indeed, open to denial. It is true that the tidings of these utterances and proceedings did not reach London until three days or later after the preparation and forwarding of Lord Russell's peremptory despatch on November 30. Of that I was, of course, well aware; and, indeed, it appears clearly pointed out in the materials submitted with my paper, and printed in the *Proceedings* (p. 114, *supra*). But it in no degree affects my proposition, the real ground of American umbrage over the attitude and preparations of the British Government being only in a very minor degree the Russell despatch, as modified by the suggestions of Prince Albert. Of this despatch, on the contrary, Secretary Seward subsequently took pains to say that it 'is not made in a discourteous manner. This Government since its first organization has never used more guarded language in a similar case.' (*War Records*, Series II, II. 1154.) What offended the American people were the subsequent flourishing of the 'big stick' by Great Britain all through the ensuing six weeks, the work in the arsenals, the despatching of war material and troops to Canada, etc., etc., in a word, that sustained clang of warlike preparations, calling to mind the query put by Marcellus to Horatio on the platform of Elsinore. Mr. Dana will hardly, I think, contend that pouring oil on a conflagration is a process calculated to reduce either its volume or the intensity of its heat. Yet this was exactly the influence fortuitously exerted throughout Great Britain by the tidings brought by every mail from America from December 3, 1861, to January 9, 1862.

"I am really unable to see, therefore, what further call for

discussion exists. That at the period referred to the attitude and utterances of the British press and public men were, as a whole, very hostile to the loyal North, and intensely irritating because of their insulting and contemptuous tone, is matter of common knowledge; and, on that head assuredly, no one can have better reason for being well informed than those composing the family of the American Minister in London at the time. This scarcely will be disputed. On the other hand, that, in the particular case under consideration, Great Britain had cause both of provocation and of apprehension is scarcely more open to question.

"In a spirit of fairness, let us at least try to put ourselves in the Englishman's place. Let us suppose, for example, that during the Crimean War, or, subsequently, during the Fenian troubles in Ireland, an officer in command of a British ship-of-war had, by a shell thrown athwart its course, stopped in mid-Atlantic one of the Collins line of American steamers, and, after forcibly taking from her a couple of Russian envoys or Irish patriots, had then dismissed her to finish her voyage: — would not a proceeding of this nature have been regarded by Americans as a gross affront to the flag, and, as such, fiercely resented? Would not instant reparation have been insisted upon? In fact, to use a not uncommon simile, would there not have been a somewhat loud screaming of the American Eagle, not unaccompanied by a vigorous twisting of the Lion's tail?

"For a by-stander and looker-on at a domestic fracas to receive a blow in the face very stinging and apparently unprovoked except for something contemptuous and unpleasing in the bearing of such on-looker, — for a by-stander, I say, in such case to receive a blow of the kind described from one of those engaged, is not generally considered an altogether ingratiating incident so far as he is concerned; especially if the blow in question is followed by much objurgatory language, not unaccompanied by minatory gesticulations. Among individuals such a method of procedure is, in fact, apt to be resented; and in this respect nationalities do not essentially differ from individuals. If the assaulted and affronted party confines himself, under such circumstances, to an intimation that an apology, and possible reparation, are desired, he would be commonly regarded as acting with marked self-restraint. Smarting

under an impulse not uncommon in human nature, it is far more likely that the party in question would, relieving himself of incumbrances, prepare to take an active part in the fray. From Mr. Dana's viewpoint his so doing might be wrong, and perhaps expose him to much animadversion on the part of the aggressive belligerent; but it hardly admits of question that erring and imperfect humanity would, under such conditions, have recourse to this somewhat carnal line of procedure.

"Such being indisputably the fact, all I have contended is that, under the conditions existing during the month of December, 1861, Great Britain, judged by all recognized human standards, had some cause for an attitude of irritation, and even belligerency; and that the language and demeanor incident to such an attitude were to a certain extent excusable. This assuredly Mr. Dana will hardly deny.

All the information Great Britain then received as to the state of opinion in America came through the *Times* correspondents; and these were consistently most alarmist. Moreover they were apparently at the time confirmed by the official communications to his Government of Lord Lyons, the British Minister at Washington.. All the despatches of Lord Lyons relating to the *Trent* affair have never been published; but a glimpse of them is obtained through the familiar letters of Lady John Russell, who of course reflected at the moment of writing the views of her husband, the Secretary for Foreign Affairs. In the recently published *Memoir of Lady Russell*, edited by Desmond MacCarthy and Agatha Russell, the *Trent* episode is thus referred to:—[the seizure of the two envoys by Captain Wilkes] 'was a breach of international law, and the resentment it provoked in England was increased by the truculent attitude of the North in the face of our demand for the restoration of the Commissioners. The Congress, instead of apologizing, proceeded to pass a vote of thanks to Captain Wilkes for having intercepted the Trent.' Lady Russell then, under date of January 7, writes (page 195): 'Dispatches and letters from Lord Lyons of December 26 discouraging. Surrender possible, but in Lord Lyons's opinion very unlikely.' This tended to confirm what Mr. Dana characterizes as the "absurd fictions" of the *Times* regular correspondent. Yet this at least was official! Lady Russell's familiar letter was,

however, written, not November 30, but as late as January 7, the very day preceding that upon which the news that the Commissioners had actually been surrendered was received in London. An event which caused Lady Russell to observe:— 'Thank God! General rejoicing in the House.' This surely is evidence strongly confirmatory of the view I had taken in my paper, and upon which Mr. Dana, in a not unkindly spirit, comments as, at least, un-American.

"Before closing the discussion I would like to contribute two additional bits of original material. The first of these bears on the British precedents in cases of search, seizure, etc., so much discussed by Mr. Dana. Lady Russell on December 13, 1861, — ten days after the news of the seizure of the two Southern envoys had reached England, — wrote as follows to Lady Dumfermline: — 'There can be no doubt that we have done deeds very like that of Captain Wilkes — not exactly like, because no two cases ever are so — but I wish we had not done them, and I suppose and hope we shall admit they were very wrong. It is all terrible and awful, and I hope and pray war may be averted — and whatever may have been the first natural burst of indignation in this country, I believe it would be ready to execrate the Ministry if all right and honourable means were not taken to prevent so fearful a calamity.' It was concerning these 'deeds very like that of Captain Wilkes' here referred to by Lady Russell that Earl Russell at this time remarked in the course of a conversation with Mr. Adams, who had made some reference to the British precedents and positions, that there were 'many things said and done by [the British Government] fifty or sixty years ago, which he might not undertake to enter into defence of now. All of which was said pleasantly.' (*War Records*, Series II, II. 1180.)

"The other bit of contemporaneous historical material referred to is of a different character. With a view to their early publication by his descendants, I have recently been engaged in looking through the familiar letters of General George G. Meade, of Gettysburg fame, to his wife, covering a long period, and amounting almost to a diary of daily experiences during both the Mexican War of 1846, and the War of Secession. At the time of the *Trent* affair, — that is, in November, 1861 — Meade, recently appointed Brigadier-General, was in camp

near Washington organizing his command as part of the Army of the Potomac then in process of formation. Born in the same year with R. H. Dana [1815] he at that time, besides being constitutionally sober-minded, was a man of middle life. From his headquarters at Camp Pierpont, Virginia, under date of December 30, 1861, General Meade thus wrote to Mrs. Meade:

Well, the vexed *Trent* affair is settled, and just as I expected it would be. Seward's letter I do not like. It is specious and pettifogging. Had Mr. Seward written this letter immediately on receipt of the intelligence of the capture, and examination of the subject, then it would have been all right and honorable ; but I do not understand the manliness of not finding out you are wrong until a demand is made for reparation, particularly as, anterior to that demand and its consequences, everything was done by Congress and the Navy Department, the press and all jurists, to insist on the justice and legality of the act. It is a clear case of backing out, with our tracks badly covered up. I would have preferred insisting on the act being legal, but yielded on the broad ground of superior force and our inability at the present moment to resist the outrage. I think the course of England has been most disgraceful, and unworthy of a great nation, and I feel confident that, if ever this domestic war of ours is settled, it will require but the slightest pretext to bring about a war with England.

"This letter has its historical value, reflecting, as it does, the feelings of a self-contained army officer of mature years. And here I think both Mr. Dana and I can afford to dismiss a topic the further discussion of which would be distinctly unprofitable. In doing so, however, I will repeat that I am unable to see any essential difference between us. The facts are established; and, as to historical inferences, they are always and necessarily, to a large extent matters of opinion, and, in such cases, statement, if clear, should suffice. In the present case my appeal is simply to the well-understood characteristics, and perhaps weaknesses, of a human nature as yet only partially redeemed. I still, however, contend that a blow in the face, unexpectedly administered to a non-participating by-stander by an angry and excited party to a quarrel, is calculated more or less to excite feelings the reverse of kindly in the person of the astonished recipient thereof. Nor when he proceeds to remove his coat preliminary to himself taking a hand in the disturbance,

can such person fairly or even reasonably be denounced as a 'bully,' and as one guilty of 'braggadocio.' Under such conditions carnal nature will assert itself; and, in so doing, it is, I cannot but contend, entitled to a degree of historical toleration at least, if not of sympathy. If 'Forgiven' is, as Mr. Dana suggests, the epitaph proper to be inscribed as a memorial descriptive of American feeling towards Great Britain because of the bearing of the latter in the affair of the *Trent*, the inscription to be self-explanatory should, I submit, be accompanied by the further words 'in view of extenuating circumstances.' And, certainly, Mr. Dana's father was not happy when, in his letter to Mr. Adams of November 25, 1861, he said 'Wilkes has done a noble thing, and done it well' (p. 82, *supra*); nor was he altogether correct in his statement of the law or diagnosis of the international situation, when, on the following day, that of the Boston 'banquet' to Captain Wilkes, an unsigned communication of his appeared in the *Advertiser* at the close of which he observed of the position in which the *Trent* had been placed by its carriage of the 'envoys' and their despatches: 'We rather look to see Mr. Seward or Mr. Adams call the immediate attention of Her Majesty's government to this violation of neutrality, than to see Lord Lyons or Earl Russell addressing our government on the subject' (p. 85, *supra*). I certainly do not care further to discuss the question whether tidings of utterances like these brought across the Atlantic by every mail of those anxious weeks were calculated to relieve a strained situation; but, as respects the last of the two utterances, it is not open to question that at the time both Mr. Adams and Lord Russell failed to take the view suggested of the course proper under the circumstances to be pursued; nor, so far as appears, did Mr. Dana again urge its consideration."

Remarks were made during the meeting by Messrs. W. R. LIVERMORE and SANBORN.

# MEMOIR

OF

# EBENEZER ROCKWOOD HOAR.

By MOORFIELD STOREY.

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The records of this Society preserve the judgment of his contemporaries in the tributes paid to Judge Hoar's memory after his death, while the full story of his life is contained in a volume prepared by two of its members and to be found in its library.[1] The present memoir should therefore be brief.

Ebenezer Rockwood Hoar was born on February 21, 1816, and died on January 31, 1895, having passed the Psalmist's limit by nearly nine years. During his active life he was for a year a member of the Massachusetts Senate and for six years a judge of the Superior Court. For ten years he sat on the Supreme Bench of Massachusetts. For fifteen months he was the Attorney-General of the United States, and he served one term in Congress. In each of these offices he did his work well, but it may reasonably be doubted whether what he said or did in any or all of them would of itself make his life memorable, or account for the position which he held in his native State. His reputation has rested largely on oral tradition. He made no great speeches in the legislature or in Congress like Daniel Webster, Charles Sumner or his brother George F. Hoar. He delivered no judgments while on the bench which are landmarks of the law. His fellow citizens did not always agree with him; very many of them did not like him. He was never a popular leader, for he never courted popularity, and as a candidate for office he was defeated much oftener than he succeeded. He left behind him no book, no collection of ad-

[1] 2 *Proceedings*, IX. 301; Storey and Emerson, *Ebenezer Rockwood Hoar: A Memoir* (1911).

dresses, no contribution to the literature of his time, nothing to which men could point as proof of his eminence. He was in many ways an indolent man, not fond of research, not given to extended writing or speech, but dealing with each task as it confronted him, adequately and from his own native resources.

Yet few men of his time exerted a greater influence in Massachusetts than he. There was in him a native power that made itself felt and commanded respect wherever he was. It was the character of the man that gave him without his seeking a unique position in this community, and made him always a force to be reckoned with — a man to whom his fellows turned instinctively in any emergency and who never failed them. His short speeches, his chance remarks, his jokes were passed from mouth to mouth, and had more influence than elaborate orations upon the people of the State. We all felt that he was near, and we naturally wished to know what he thought on all important matters. He stood between us and trouble, "a very present help."

He sprang from the best New England stock, numbering among his ancestors Leonard Hoar the third president of Harvard College, Roger Sherman, that supreme embodiment of practical wisdom, and many others, men of character and substance, who served their State and their country in peace and in war. He inherited traditions of education, frugality, public spirit and honorable private life, of "plain living and high thinking." The austere conventions of the Puritans still prevailed in New England and affected the atmosphere of his father's home. There were born and bred in him a high ideal of duty, a stern morality, an unselfish patriotism, and his best was always at the service of his town, his State and his country.

At times irritable in small matters, owing partly to physical conditions and partly to his native quickness which made him impatient of folly, he faced the great emergencies of life with serenity, — a firm high regard indifferent to personal consequences. His life seemed ordered by the spirit of the ancient sailor, whose words are recorded by Seneca: "O God, thou mayest save me if thou wilt, and if thou wilt thou mayest destroy me, but whether or no, I will steer my rudder true."

From his early youth he took a lively interest in politics, and

when not on the bench was active in political contests beginning with the campaign of 1840. When the questions connected with the annexation of Texas confronted the country, it was inevitable that with his ancestry he should array himself on the side of freedom, and when the Whig party broke under the strain, he allied himself with the Free Soilers and took a prominent part in founding the Republican party, which he ever afterward supported and which in his eyes represented the character of the country. He had for it a feeling of intense loyalty, and could say with Sumner: "I stood by its cradle, let me not follow its hearse." Yet he did not hesitate in Massachusetts to oppose its candidates for office when he thought that they were unfit. This opposition was felt on several occasions, and in 1876 he led a "bolt" against the nomination of General Butler, standing himself as a candidate for Congress against him. He always resisted Butler and his forces, whether they called themselves Republicans or Democrats, and was largely responsible for his repeated defeats. If Massachusetts owed him gratitude for nothing else, she would be deeply in his debt for what he did, with John M. Forbes, William Endicott, Henry L. Pierce and his brother Senator Hoar, to repel the attempts of Butler to control her government. To any one who knew the latter, Judge Hoar would have been fairly described by saying that in everything but wit he was Butler's exact opposite.

Judge Hoar doubtless inherited a hatred and contempt of Democrats as such, which grew with his growth and strengthened with his strength. As late as 1890, when the Democratic party had just elected his son Sherman to Congress, he said, "as for improving it, you might as well turn in a few lambs to improve a pack of hungry wolves." It is not singular, therefore, that with this feeling towards Democrats on the one hand, and a strong regard for the party which he had helped to found and with which he had acted during the greatest crisis in the country's history on the other, he found it difficult to change his allegiance, even when the Republican organization fell into bad hands, and presented as its candidate for the Presidency a man whom many of his friends and even his own three sons found it impossible to support. He had so long contemplated with horror the sins of the Democratic party, the

beam in its eye was so conspicuous to him, that he could not turn his gaze backward and examine the eye of his own party. He expressed no sympathy with the Mugwump movement of 1884, but those who knew him well always felt that in his heart he understood and approved the impulse, which outwardly he could not bring himself to countenance. His brother thus described his attitude: "He never took our Mugwumps as seriously as I do. I always treated them as persons who were giving their support to great public crimes, and politically were to be treated accordingly. Rockwood had for them a sort of amused tolerance, and where they behaved well and had some personally agreeable qualities, liked to see them and associate with them." Judge Hoar's attitude is the less surprising when it is remembered that most of his life-long friends and his own sons were Mugwumps. They felt that the Judge's tolerance was born of unrecognized sympathy, but the Senator's words throw light upon the feelings of the time and read strangely to-day.

Upon the bench and at the bar Judge Hoar was conspicuous for clear insight, sound judgment and incisive, often witty, speech. Neither his arguments as counsel nor his opinions as a judge were labored or erudite, but they were marked by that exceptional wisdom which we call common sense. Chief Justice Field, his assistant as Attorney-General, who knew him well as lawyer and as judge, summed up his characteristics in two sentences when he said:

> His arguments were like his opinions — not long, very clear, remarkably strong in analysis, and persuasive in their sound sense. He used great directness and simplicity of statement, and he relied on his wit to point or enliven the argument.

Hidden in the reports and now forgotten is an opinion from which I quote the following passages, for the light which they throw upon the New England feeling that was so essential a part of the Judge's make-up, and also as an example of his eloquence.

It was a case in which a man was indicted for cutting down trees in a burial ground which, originally one of those private family cemeteries to be found in many parts of New England, had been taken by the town, though it still remained in appearance a part of the defendant's estate. There was evidence

that in cutting the trees the defendant was careful not to disturb the graves or monuments, and that "the general appearance of the place was much better than when he took possession." The Court held that the defendant was guilty of violating the law, and in the opinion Judge Hoar said:

In the first place, we think the devotion of a piece of ground to the purposes of burial includes much more than the mere interment of the remains of the dead. "To bury our dead out of our sight," a suitable provision for the pressing claims of decency and health, is the first, but not the only consideration. "Christians," says Sir Thomas Browne, "have handsomely glossed the deformity of death by careful consideration of the body, and civil rites which take off brutal terminations; and though they conceive all reparable by a resurrection, cast not off all care of interment. . . . Since they acknowledged their bodies to be the lodging of Christ, and temples of the Holy Ghost, they devolved not all upon the sufficiency of soul-existence; and therefore with long services and full solemnities concluded their last exequies." With some religious denominations the burial of the dead is a sacrament; and church-yards and cemeteries are consecrated by religious rites. And although it has been said that the Puritan founders of our Commonwealth, in opposition to what they regarded as superstitious observances, conducted funeral services with an austere simplicity, and often chose the most bleak and barren spots as their places of sepulture, yet the whole sentiment of the community has long since changed in this respect; and the refinements introduced by modern taste, have commended themselves to the general approbation. . . .

The defendant cut the trees to take the wood for his own use, but without the authority or consent of the town having the burying-ground in its charge. Perhaps he thought their removal would not be injurious, or would be an improvement to the appearance of the place. But he had no right to decide this question. He could not certainly know how far its natural features and capacities may have influenced the choice of those who selected it as a place of burial. The growth of these trees may have been watched with affectionate interest by friends and relatives of the departed, whose last resting-place has been made more pleasant to the imagination of the survivors, by the thought that it might become a resort of birds, and a place for wild flowers to grow; that waving boughs would shelter it from summer heat, and protect it from the bleak winds of the ocean. The fallen leaf and withered branch are emblems of mortality; and in the opinion of many, a tree is a more natural and fitting decoration of a cemetery than a costly monument. The dedication of the land

for a public burying-ground was in its nature a dedication to a permanent use; varying in its details according to the ideas and customs of successive generations; but not to be defeated or impaired by the dictates of private caprice.[1]

It was a curious combination of circumstances which made him for a while the keeper of General Grant's conscience, if the phrase may be used to describe the relation of the Attorney-General to the President. General Grant had been attracted strongly by the Judge's social charm during a brief visit to Massachusetts, and when he was seeking a Massachusetts man in place of Mr. Boutwell, who declined the Interior Department, he caught eagerly at the suggestion of Judge Hoar. The nomination was to him a complete surprise. Our President, Mr. Adams, permits me to give this reminiscence.

I was present when he was informed of his nomination. It was in the office of Edward Bangs, in Pemberton Square. Hoar, when on the bench at that time, made his headquarters there, He was seated in the office, and I chanced to be in the room, occupying the rear office, when Bangs came in and remarked: "Well, Judge, I see you are nominated as Attorney-General." Hoar gave one of his gruff ejaculations in the nature of "Humph," and went on about other matters. Presently, however, he got up, and then incidentally remarked: "You don't suppose I believed what you said just now, do you?" To which Bangs replied: "Well, anyway, it's on the newspaper bulletin, down the street." Hoar then meditatively left the room; and I presume proceeded to inform himself. But he was as much surprised then as, later on, when asked to resign.

The result was that the New England Conscience personified was placed in immediate opposition to many of the President's close friends, like his secretary General Babcock and others of similar kidney, and to the unsavory politicians who soon acquired influence with the President. He was of incalculable value to the Administration during its early days; he prevented many a bad appointment and secured many a good one, notably the judges of the Supreme Court and the Circuit Court of the United States whom he recommended. As Secretary Cox said, his judicial nominations were "proof enough of his character and his courage." The appointment of Justices Strong and Bradley led to the charge originating with General

[1] Commonwealth *v.* Viall, 2 Allen, 512.

Butler that he had "packed" the Supreme Court in order to obtain a reversal of the Legal Tender decision, but this charge was refuted absolutely and was never regarded as serious by any one who knew Judge Hoar. He rendered the most valuable service in the negotiations with England for a settlement of the so-called "Alabama Claims," which resulted in the Joint High Commission, and also in preventing the Administration from recognizing the Cuban insurgents as belligerents. In a word he was a brave, wise and upright adviser, but the opposing forces were too strong for him. The President was compelled to choose between Judge Hoar and the evil influences that were arrayed against him, and he chose wrong. General Grant first nominated Judge Hoar to the Supreme Bench, but the Senate refused to confirm the nomination for reasons creditable to Judge Hoar and thoroughly discreditable to his opponents. Then after an interval his resignation was requested by the President and at once offered and accepted, no reason being given or asked. It was the irony of fate that placed him in a position from which he must necessarily retire when General Grant's bad advisers gained the ascendancy. He was a thorn in their flesh, for he stood in the way of all that they desired, and when the President elected to part with him, he took a step downward which he could never retrace. Judge Hoar's dismissal was wholly to his honor. Had he remained in office, the history of the next decade would have been much pleasanter reading for all Americans who love their country.

In this connection I am permitted to quote from a letter of Mr. Adams in which, speaking of Judge Hoar's retirement, he says:

> As I see it now, it was the tragic parting of the ways in life for Grant. Moreover, curiously enough, having occasion to-day in another connection to refer to my father's Diary of that period, I find the following entry under date of 27th June, 1870: "Judge Gray had invited me to dine. The company consisted of Judge Hoar and Governor Coxe, General Force and Mr. C. W. Storey. The conversation was not easy or flowing. . . . Judge Hoar, I am convinced, has been the first victim of the President's love of low company; but he will not be the last." This was somewhat prophetic. Later on, under date of February 11, 1871, that is, eight months later, my father describes a long interview he had with Hoar, who came to see him immediately after Hoar's appointment as one

of the negotiators of the Treaty of Washington. My father wrote: "He alluded to the temper of the Houses of Congress, and their assumption of powers of the Executive. It led him to disclose to me the policy he had recommended to General Grant at the outset of the administration which, if he had pursued it, would have rescued the Executive from all further risk of dictation." This, also, is significant.

As I now, in the light of subsequent events, read the situation, Grant's parting with Hoar amounted to ridding himself of his mentor, and putting himself in the hands of those with whom he was more naturally akin and felt more at home. The difficulty with Grant, as President, and in civil life generally, was that, besides being wholly unfamiliar with administrative work, and quite uninformed as to our history, he had an innate proclivity to low company, — that is, a man of coarse moral fibre, his favorite associates were men of low moral standards. In the army Rawlins was a protecting influence. In civil life Hoar would have been, had Grant permitted it. Grant's idea of a Cabinet was based on military conceptions. He considered the members of his Cabinet his official staff. He had no responsibility towards them except as such. Meanwhile he also had another staff, and of a wholly different character. While the members of the Cabinet composed his official staff, his personal staff were what was known as military aides, etc. They were a poor lot. Rawlins was altogether the best of them; Porter was inferior to Rawlins; Babcock came at the bottom. Naturally resenting Hoar's presence at the White House, they did their best to negative his influence there, and to undermine him. Then came the quarrel with Sumner, and the whole effort of the baser influences was put forth to pry Hoar out of the Cabinet. His presence there was obstructive, as well as personally offensive. The Santo Domingo project brought matters to a climax. Sumner became involved; and for Hoar to be got away from Grant, and out of the White House sphere, came as a logical sequence. Boutwell was comparatively immaterial. In the first place, he was more of a politician than Hoar, and consequently more pliable; and in the second place, he was in no respect so formidable. Accordingly, the whole web of intrigue about Grant was concentrated on Hoar; himself all the while wholly unconscious of the fact. Hence his extreme surprise at what had in reality long been impending. From the moment he was thus got out of the way, Grant's downward movement set in, and went forward to the end in regular sequence and with an ever-increasing impetus. My father was right in his prognostication. Fernando Wood lurked, as yet unsuspected, under the remote horizon.

I borrow another reminiscence from Mr. Adams which is most interesting:

I was sitting in my office in Pemberton Square one day while he was Attorney-General, — as I recollect it, during the Christmas holidays, — when Hoar loafed in from Bangs' room, and we had a few words of conversation, — in which, by the way, I remember he dealt me one of his blows from the rough side of his tongue, he and I not being exactly of a mind in regard to Reconstruction. He then went back into Bangs' office, and apparently was busy writing — I should say for half an hour. Reappearing suddenly in my office, with a very pleased aspect of countenance, he said: "Look here, I've got this matter to settle of this new constitution"; I think it was of Georgia; it may have been one of the other reconstructed States. He then went on, in his peculiar way: "I'm a good deal in the position of the man out hunting, who got a shot at an animal, and wanted to hit it if it was a deer, but miss it if it was a cow. Now what do you think of this?"

He then sat down, and read me the opinion which he had just written. It might possibly have covered two pages of manuscript. He was, however, evidently much pleased with it. But it was characteristic that he had disposed of a very difficult problem of State reconstruction during half an hour passed incidentally at mid-day in another man's office; and then proceeded, like the quack doctor, to "try it on the dawg," I being the canine for the occasion.

He rendered another conspicuous public service as member of the Joint High Commission, which adjusted our controversies with Great Britain and paved the way for enduring peace.

As a member of the Forty-third Congress he helped to defeat the inflation bill, and resisted with success the "Force Bill" and some other partisan measures which the majority of his party associates supported, displaying here as always the courage, wisdom and independence for which he was so remarkable. He declined another nomination and returned to the practice of the law, but he made a strong impression on the House, and had he been willing to remain in Congress he could not have failed to become one of its leaders.

No memorial would be complete which did not mention his devoted service to Harvard College as a member of the Corporation and later of the Overseers, as President of the latter, and as a wise counsellor and loyal friend so long as he lived. No college festival was complete without him, no one was

received with more cordial welcome when he rose to speak at Commencement or on Phi Beta day, no one gave more liberally of his time and thought and also of his money when occasion demanded than he, and when the Corporation was stunned by the loss which the College sustained by the Boston fire of 1872, it was his voluntary offering which made them realize the loyalty of Harvard's sons and inspired them with fresh courage and hope. Harvard never had a graduate who understood her teaching better or was truer to her traditions.

Let this quotation from a letter which he wrote to our associate Dr. McKenzie stand as an expression of his faith. Quoting the words which Thomas Shepard wrote of John Harvard: "This man was a scholar and pious in his life and enlarged towards the country and the good of it in his life and death," Judge Hoar said, "In what better phrase of prophecy or loftier record of accomplished life could be set forth all that Harvard has produced in her worthiest sons, or desires in each and all of them to the end of time — the trained intellectual force, the consecration of all powers, the public spirit."

Retired from public office, he remained in Massachusetts to the end, practising his profession, helping his fellow townsmen in many ways, ever ready to point out and resist any dangerous man or unwise measure that seemed to threaten the prosperity of State or country, a tower of strength in this community, content to do his duty as he saw it but never seeking reward or notoriety, an unselfish public-spirited man whose public ideals were the highest and whose private life was the purest. Many a friend had cause to remember his generosity, and even his opponents smarting under the lash of his wit respected while they feared him. Of exceptional ability, of absolute integrity, of great wisdom and rare wit, he will always find a place among the truest sons of Massachusetts. May she always find such citizens in her hour of need.

## ANNUAL MEETING, APRIL, 1912.

THE Annual Meeting was held on Thursday, the 11th instant, at three o'clock, P. M. The PRESIDENT, and both Vice-Presidents being absent, the Society was called to order by the Recording Secretary, and on motion of Mr. LINCOLN, Senior Member-at-Large of the Council, the Hon. JOHN D. LONG was chosen President, *pro tempore*.

Governor LONG, in taking the chair, said:

I appreciate the honor you do me in calling me, in the absence of our President and of both our Vice-Presidents, to this chair. It is not easy to dissociate it from Mr. Adams, who is the inspiration of our meetings and who is just now in Washington fighting his battles over again, not with a crutch on his shoulder but with all the force and vigor, so characteristic of him, with which he fought them in the war for the Union fifty years ago.

I am sure, too, that all our hearts are at this hour with Dr. Green in his confinement in the hospital. Absence on his part from these meetings is indeed notable. The records show that he has not missed an annual meeting of this Society since April, 1865 — a period which, if I were as quick at figures as the minute hand, I could give you exactly, but which is certainly forty-six or forty-seven years.

The Doctor holds us by a tie of peculiar fibre — a tie not so much, even at his advanced age, of veneration, strong as that is, as of affection. I think of no man who has to a greater degree the love of his fellow-citizens. The plain people of the city among whose modest homes he has lived so many years; the children whom he has won by his kindness and who cling to his hand as they walk the streets with him; all classes, all the men of Harvard, his beloved college; all in his native town, the

story of which he has so prolifically written; all the countryfolk with whose ways and traditions he is so familiar; all who share with him the love of good literature and historic research — all join, as we do, in sympathy with him in his present prostration and in cordial good wishes for his speedy restoration to health and to the walks of life over which he has so long shed good cheer.

The record of the last meeting was read and approved; and the Recording Secretary, in the absence of the Librarian, read the list of donors to the Library during the past month.

The Cabinet-Keeper reported the gift, by Mr. SHAW, of a cane made from oak taken from the *Constitution*, which was given by Captain John Percival to Chief Justice Lemuel Shaw.

The Recording Secretary, as Corresponding Secretary, announced the receipt of a letter from Rear-Admiral French Ensor Chadwick accepting his election as a Corresponding Member of the Society.

The Editor announced the deposit, by Mrs. Sarah Salisbury Walker, of a manuscript volume containing notes by Chief Justice Samuel Sewall of sermons preached in Boston from September 13, 1691, to June 12, 1692.

Mr. LINCOLN, Senior Member-at-Large of the Council, read the following

## REPORT OF THE COUNCIL.

Since the last Annual Meeting the following changes have taken place in the membership of the Society:

Deaths:

*Resident Members.*

| | | |
|---|---|---|
| 1878, | Gamaliel Bradford . . . . . | Aug. 20, 1911. |
| 1879, | Henry Williamson Haynes . . . . | Feb. 16, 1912. |
| 1880, | Thomas Wentworth Higginson . . | May, 9, 1911. |
| 1899, | Edward Henry Hall . . . . . | Feb. 22, 1912. |
| 1901, | Samuel Lothrop Thorndike . . . . | June 18, 1911. |

*Corresponding Members.*

| | |
|---|---|
| 1875, John Bigelow . . . . . | Dec. 19, 1911. |
| 1880, James MacPherson Le Moine . . . | Feb. 5, 1912. |
| 1896, William Babcock Weeden . . . . . | March 28, 1912. |

Elections:

*Resident Members.*

| | |
|---|---|
| George Hodges . . . . . | May 11, 1911. |
| Richard Henry Dana . . . . . | June 8, 1911. |
| George Foot Moore . . . . . | Oct. 11, 1911. |
| Gamaliel Bradford, Jr. . . . . | Nov. 9, 1911. |
| Justin Harvey Smith . . . . . | Dec. 14, 1911. |

*Corresponding Members.*

| | |
|---|---|
| William Milligan Sloane . . . . . | May 11, 1911. |
| Joshua Lawrence Chamberlain. . . . . | Feb. 8, 1912. |
| French Ensor Chadwick. . . . . | March 14, 1912. |

Professor Haynes died in office. Not since 1897, when the death of Justin Winsor occurred, has the Society been touched by a death of one of its officers.

Mr. Adams was elected President of the Society in April, 1895. He has therefore rounded out seventeen years of service, a period exceeded only by that of Mr. Winthrop, who held the office for thirty years. Of his predecessors in office only Mr. John Davis equalled the period of seventeen years. Mr. Adams, however, was a Vice-President for five years (1890–1895), and these may properly be added to his service. Of the officers who were elected in April, 1895, Dr. Green and Mr. Charles Card Smith are with us. Mr. Lord was then a member-at-large of the Council.

In the last year a volume of *Proceedings*, the forty-fourth in regular sequence, was published. It contains more than the usual number of noticeable papers, some of which have given occasion for no little controversy. Among these may be named the series by our President on military strategy in the War of Independence, which has been embodied in a somewhat altered form in his *Studies, Military and Diplomatic*, challenging the

attention of readers and students of history. The paper by Mr. Brooks Adams on the "Convention of 1800 with France" has also called out comment on both sides of the Atlantic. The publication of original documents has been continued, and a wide range of subject covered. The letters on the voyage to Plymouth of the *Little James* and the *Anne* in 1623 related to the first years of New England's history, and each successive period received illustration from like original and unpublished documents — the raw material of history. It may be noted in passing that Sir George Otto Trevelyan quotes in his recent volume *George III and Charles Fox* from a document printed in the June Serial of the Society, one evidence of many that the publications are used and appreciated as materials of history.

Two volumes of *Collections*, volumes VII and VIII of the Seventh Series, were issued during this year. They comprise the *Diary of Cotton Mather*, a unique record of a leading clerical and literary light of New England. They supplement the *Diary* of Judge Sewall, and in themselves throw much light upon the social conditions in Boston during a period of change and unrest. Their bibliographical interest is already being proved. The *Proceedings* and *Collections* printed during the year include more than twenty-two hundred pages, and these do not represent the total product, for there have been more than two or three volumes of the same size in process of editing, to be published as opportunity offers. This may be taken as proof that the Society suffers from no sign of decrepitude in its publishing activity.

Founded in 1791, the Society enters upon its one hundred and twenty-second year of life. In that time it has issued sixty-eight volumes of *Collections*, forty-four of *Proceedings* and eight of a miscellaneous character, a total of one hundred and twenty volumes, or nearly a volume for each year of its existence. This is a record which cannot be equalled by any other historical society in the United States, although it is exceeded by other younger publishing societies in Great Britain like the Hakluyt and Camden Societies. In these volumes lie vast deposits of material, of unequal richness, yet all available whenever it can be useful. This will be fully shown in the Society's edition of Bradford's *History of Plymouth Plantation*, now

approaching completion, in which the notes have drawn largely upon what has been garnered in the Society's various publications.

For its library of books and pamphlets the Society has enjoyed much in the past from the liberality of its members. Analyzing the Librarian's figures for the five years 1907–1911, it is found that two books in every three of the accessions and four pamphlets in every five are received by gift. Mere numbers, however, offer no opportunity to test the quality of the accessions.

The tendency is everywhere to specialize collections, and this restriction means strength. We have law, medical and scientific libraries, and libraries of the second and third size must also limit their accumulations or be wasted by over-ambition and attain strength in no department. Even the library of a historical society should not contain all history, for the expense of obtaining and of keeping such a collection would be prohibitive. The judicious plan is to frame rules that may result in giving the library a distinctive character without being so inelastic as to defeat a desirable secondary purpose. The John Carter Brown Library takes Americana to 1800; the American Antiquarian Society is making a specialty of all American imprints up to 1820, and naturally this library should be strong upon whatever relates to New England history. This does not exclude such works upon general history as are needed for study or consultation, but emphasis should be laid upon New England material. We welcome gifts which will enlarge and strengthen this department, and the library needs strengthening in modern historical publications.

In this specializing, however, the Society should occupy more completely than it now does a field in which it has already made great progress — the collection of manuscript material. It already posessess many notable collections — like the Winthrop, Trumbull, Heath and Pickering. It holds many minor collections and individual manuscripts which are important for historical contents and relations. The first founders of the Society recognized the advantages of bringing together this material, often fragmentary and apparently without connection, and as years passed new material filled in the gaps, widened the relations and supplied students with the best of foundation for

their studies. The study of documents has, some believe, been overdone; but there can be no question about the value of original documents, about the desirability of preserving them, and on the results of bringing them under one direction.

The manuscript collections for Colonial and Revolutionary periods are very strong, and still offer a mine to be worked for biographer and historian. As more modern times are reached the collections become smaller in number and importance, and of nearly contemporary records there are only the papers of Robert C. Winthrop and George E. Ellis — two of the former presidents. Here should be the great depository for manuscripts of an historical character, and under that description fall most family papers. Doubtless each member knows of such collections, now in private hands and exposed to all the risks of fire and division. He cannot do better than to suggest their coming to a Society like this, where these risks are reduced to a minimum, and where they can be properly cared for, studied and made available for eventual publication. It is only necessary to compare such material in trunks, barrels and boxes, or even in portfolios, with like material after being treated by the skilled repairer of this Society, to recognize fully the advantages of such a transfer.

The Society would be in a most exceptional position were it exempt from a need of larger funds. Each year its responsibilities and the demands upon it become greater. The annual income of the Society is insufficient to meet the expense of pending and projected work. To have accomplished what it has in former years became possible only through the generosity of its members, and dependence must be placed upon a continuance of the same generosity in the future if the responsibilities are to be adequately met.

In presenting his annual report on the finances of the Society Mr. LORD said:

I desire to submit a brief report of the financial condition of the Society, summarizing what is set forth in greater detail in the printed report of the Treasurer.

The property of the Society may be conveniently divided as follows:

First: The land and buildings which stand on the books at $97,990.32 and are valued by the City Assessors at $197,000;

Second: The Library and Collections which have never been appraised or assessed, but whose value at a rough estimate is probably in excess of a million dollars; and

Third: The invested funds of the Society which are carried on the books as shown by the investment account at $464,197.45, and which have a present market value of approximately $520,000.

Of this sum, the two centenary funds stand at $57,029.91, of which amount $52,489.24 is the principal of the Sibley Centenary Fund and $4540.67 of the Anonymous Fund. The income of these funds must be added to the principal until the expiration of a hundred years from their receipt, or until in the case of the Sibley Centenary Fund the year 2002, and in the case of the Anonymous Fund the year 1991.

The gross income of the Society from all sources the past year was $25,905.02, of which $24,903.90 was the income of the invested funds. From this must be deducted the income of the two centenary funds, which under the terms of the gift is to be added annually to the principal, amounting to $2715.70, and leaving a balance applicable to all purposes of $23,189.32.

Now the ordinary annual expenses of this Society are approximately as follows, as appears from the report in detail:

| | |
|---|---|
| Care and maintenance of building | $2,681.79 |
| Salaries and wages | 12,937.93 |
| Incidentals | 676.10 |
| Making a total of | $16,295.82 |

and leaving a balance applicable to the publication of the *Proceedings* and the *Collections*, and to additions to the Library and Cabinet of $6893.50.

The amount expended for those purposes in 1911 was $10,319.96, divided as follows:

| | |
|---|---|
| Library and Cabinet | $1,123.24 |
| Publication of *Proceedings* and *Collections* | 9,196.72 |
| | $10,319.96 |

or approximately $3400 in excess of the annual income, applied for such purposes, and which amount was charged against the accumulated income of the publication funds.

As the projected publications which are in preparation draw nearer to completion, this deficiency is likely to increase. While it can be met and properly met from the accumulated income of funds which are applicable to those purposes, it should be noted that as these principal funds diminish the gross income of the Society will proportionately diminish.

I call attention to this condition because there seems to be an impression that the Society is very rich and its funds are constantly accumulating. The fact that its funds accumulated in the past is solely due to the fact that it had less publication work than it is doing today, and has projected in the future.

In a word, if it is deemed desirable to carry on the publication of the *Collections* upon the scale at present contemplated and to increase by purchase the Library and the Cabinet, a substantial addition to the permanent funds is not only desirable but necessary.

## REPORT OF THE TREASURER.

In compliance with the requirements of the By-Laws, Chapter VII, Article 2, the Treasurer respectfully submits his Annual Report, made up to March 30, 1912.

The special funds now held by the Treasurer are thirty in number. The securities held by the Treasurer as investments on account of the above mentioned funds are as follows:

## INVESTMENTS.

### Schedule of Bonds.

| | | | | |
|---|---|---|---|---|
| Chicago & West Michigan R. R. Co. | 5% | 1921 | | $14,000.00 |
| Chicago & North Michigan R. R. Co. | 5% | 1931 | | 1,000.00 |
| Rio Grande Western R. R. Co. | 4% | 1939 | | 5,000.00 |
| Chicago, Burlington & Quincy R. R. Co. | 4% | 1921 | | 7,000.00 |
| Cincinnati, Dayton & Ironton R. R. | 5% | 1941 | | 5,000.00 |
| Atchison, Topeka & Santa Fé R. R. | 4% | 1995 | | 14,500.00 |
| Atchison, Topeka & Santa Fé R. R. | 4% | 1995 | "adjustment" | 9,000.00 |
| Chicago Jct. & Union Stock Yards | 5% | 1915 | | 13,000.00 |
| Oregon Short Line R. R. Co. | 5% | 1946 | | 10,000.00 |
| Oregon Short Line R. R. Co. | 4% | 1929 | | 10,000.00 |
| Lewiston-Concord Bridge Co. | 5% | 1924 | | 12,000.00 |
| Boston & Maine R. R. Co. | 4½% | 1944 | | 6,000.00 |
| American Tel. & Tel. Co. | 4% | 1929 | | 10,000.00 |
| N. Pacific & Great Northern R. R. | 4% | 1921 | "joint" | 50,000.00 |
| Kansas City Stock Yards Co. | 5% | 1913 | "convertible" | 12,000.00 |
| Long Island R. R. Co. | 4% | 1949 | | 6,000.00 |
| New York Central & Hudson River R. R. | 4% | 1934 | | 15,000.00 |
| Bangor & Aroostook R. R. Co. | 4% | 1951 | | 10,000.00 |
| Detroit, Grand Rapids & Western R. R. | 4% | 1946 | | 2,000.00 |
| Fitchburg R. R. Co. | 4% | 1927 | | 9,000.00 |
| Kansas City, Clinton & Springfield R. R. | 5% | 1925 | | 3,000.00 |
| Lowell, Lawrence & Haverhill St. R. R. | 5% | 1923 | | 2,000.00 |
| West End Street Railway Co. | 4% | 1915 | | 6,000.00 |
| Washington Water Power Co. | 5% | 1939 | | 10,000.00 |
| United Electric Securities | 5% | 1939 | | 15,000.00 |
| Blackstone Valley Gas & Elec. Co. | 5% | 1939 | | 10,000.00 |
| Western Tel. & Tel. Co. | 5% | 1932 | | 5,000.00 |
| Maine Central R. R. | 4½% | 1912 | | 5,000.00 |
| Consolidated Gas & Elec. Co. of Baltimore | 5% | 1913 | | 10,000.00 |
| Seattle Electric Co. | 5% | 1929 | | 5,000.00 |
| New England Cotton Yarn Co. | 5% | 1929 | | 5,000.00 |
| Detroit Edison Co. | 5% | 1933 | | 5,000.00 |
| U. S. Steel Corporation | 5% | 1963 | | 5,000.00 |
| United Zinc & Chemical Co. (with 60 shares pfd., and 60 common) | 5% | 1928 | | 30,000.00 |
| | | | Par value | $336,500.00 |

SCHEDULE OF STOCKS.

| | | |
|---|---|---|
| 50 | Merchants National Bank, Boston | $5,000.00 |
| 50 | State National Bank, Boston | 5,000.00 |
| 50 | National Bank of Commerce, Boston | 5,900.00 |
| 50 | National Union Bank, Boston | 5,000.00 |
| 50 | Second National Bank, Boston | 5,000.00 |
| 25 | National Shawmut Bank, Boston | 2,500.00 |
| 35 | Boston & Albany R. R. Co. | 3,500.00 |
| 25 | Old Colony R. R. Co. | 2,500.00 |
| 25 | Fitchburg R. R. Co. Pfd. | 2,500.00 |
| 150 | Chicago Jct. Rys. & Union Stock Yards Co. Pfd. | 15,000.00 |
| 75 | American Smelting & Refining Co. Pfd. | 7,500.00 |
| 158 | Atchison, Topeka & Santa Fé R. R. Co. Pfd. | 15,800.00 |
| 302 | Kansas City Stock Yards Co. | 30,200.00 |
| 10 | Cincinnati Gas & Electric Co. | 1,000.00 |
| 6 | Boston Real Estate Trust | 6,000.00 |
| 5 | State Street Exchange | 500.00 |
| 3 | Pacific Mills | 3,000.00 |
| 50 | Puget Sound Traction Light and Power Co. Pfd. | 5,000.00 |
| 5 | " " " " " " " Common | 500.00 |
| 1124 | Shares Par value | $120,500.00 |

SCHEDULE OF NOTES RECEIVABLE.

| | |
|---|---|
| G. St. L. Abbott, Trustee, Mortgage 6% | $10,000.00 |

SCHEDULE OF SAVINGS BANK BOOKS.

| | |
|---|---|
| M. A. Parker Fund | $1,039.38 |
| Brattle St. Church Model Fund | 180.89 |
| | $1,220.27 |

RECAPITULATION.

| | |
|---|---|
| Bonds, par value | $336,500.00 |
| Stocks, par value | 120,500.00 |
| Notes receivable | 10,000.00 |
| Savings Bank Books | 1,220.27 |
| | $468,220.27 |

Represented by Balance, Investment account $464,197.45

The balance sheet follows and shows the present condition of the several accounts:

BALANCE SHEET, March 31, 1911.

| | | | |
|---|---|---|---|
| Investment Account, Exhibit I | $464,197.45 | Funds, Exhibit III | $420,608.61 |
| Real Estate | 97,990.32 | Accumulated Income of Funds, Exhibit IV | 46,743.11 |
| Cash on hand, Exhibit II | 3,154.27 | | $467,351.72 |
| | | Building Fund | 72,990.32 |
| | | Ellis House | 25,000.00 |
| | $565,342.04 | | $565,342.04 |

## EXHIBIT I.

INVESTMENT ACCOUNT.

| | | |
|---|---|---|
| *Balance, March* 31, 1911 | | $460,109.45 |
| Bought during year: | | |
| $10,000 United Electric Securities, Series 32 | $10,100.00 | |
| 5,000 N. E. Cotton Yarn Co. | 5,000.00 | |
| 5,000 Detroit Edison Co. | 5,050.00 | |
| 5,000 U. S. Steel Corp'n, 5% | 5,068.75 | |
| Accrued Interest, M. A. Parker Bank Book | 35.42 | |
| Brattle St. Church Model Bank Book | 6.58 | |
| *Total Additions*, Exhibit II | | 25,260.75 |
| | | $485,370.20 |
| Securities sold: | | |
| 75 Shares Am. Smelting & Ref'g Co. | $7,873.50 | |
| 5,000 United Electric Securities, Series 29 | 5,150.00 | |
| 5,000 United Electric Securities, Series 30 | 5,150.00 | |
| 2,000 Chicago, Burlington & Quincy 4% Bonds | 1,985.00 | |
| 1,000 Chicago, Burlington & Quincy 4% Bonds | 1,000.00 | |
| 6 Boston Real Estate Trust rights | 14.25 | |
| *Total Deductions*, Exhibit II | | 21,172.75 |
| | | $464,197.45 |
| Increase during year | $4,088.00 | |

## EXHIBIT II.

CASH ACCOUNT.

| | | |
|---|---|---|
| *Balance on hand, April* 1, 1911 | | $7,953.03 |
| *Receipts during year* to March 30, 1912: | | |
| Sale Publications | $995.17 | |
| Royalties, Little, Brown & Co. | 3.84 | |
| Rebate on Insurance | 1.76 | |
| Express | .35 | |
| Income from Investments | 24,637.26 | |
| Interest from Savings Bank Books | 42.00 | |
| on Bank Balances | 224.64 | |
| | $25,905.02 | |
| Total deductions, Exhibit I | 21,172.75 | $47,077.77 |
| | | $55,030.80 |

CASH ACCOUNT — *Continued.*

| | | | | |
|---|---|---|---|---|
| Brought forward | | | | $55,030.80 |
| *Payments during year* to March 30, 1912: | | | | |
| Investment Account, Securities bought | | $25,218.75 | | |
| Interest from Savings Banks Books | | 42.00 | | |
| Total additions, Exhibit I | | | $25,260.75 | |
| Income Account: | | | | |
| Bindery | | $1,197.93 | | |
| Binding | | 221.70 | | |
| Books, Pamphlets and Manuscripts | | 777.54 | | |
| Building: | | | | |
| Cleaning | $254.46 | | | |
| Engineer | 1,034.00 | | | |
| Fuel | 632.20 | | | |
| Furniture | 141.25 | | | |
| Lighting | 88.18 | | | |
| Repairs | 312.67 | | | |
| Supplies | 23.35 | | | |
| Telephone | 122.68 | | | |
| Water | 73.00 | 2,681.79 | | |
| Portraits and Medals | | 124.00 | | |
| Postage | | 136.48 | | |
| Printing: | | | | |
| Publications, | | | | |
| Proceedings | $2,989.54 | | | |
| Illustrations and Reprints | 254.41 | | | |
| Collections, | | | | |
| Mather Diary, I., II. | 3,933.87 | | | |
| Bradford's History | 1,943.90 | | | |
| Miscellaneous | 75.00 | 9,196.72 | | |
| Salaries: | | | | |
| Librarian's Assistants | $4,940.00 | | | |
| Editor and Assistants | 6,200.00 | 11,140.00 | | |
| Stationery | | 83.91 | | |
| Treasurer's Office: | | | | |
| Bond | $25.00 | | | |
| Bookkeeper | 600.00 | | | |
| Office Expenses | 5.05 | | | |
| Public Accountant | 25.00 | | | |
| Safety Vault | 50.00 | 705.05 | | |
| Miscellaneous | | 350.66 | 26,615.78 | |
| Total Payments | | | | 51,876.53 |
| *Balance on hand, March* 30, 1912 | | | | $3,154.27 |
| *Accounted for as follows:* | | | | |
| *Balance, March* 31, 1911 | | | | $7,953.03 |
| Increase of Investments, Exhibit I | | | | 4,088.00 |
| | | | | $3,865.00 |

| | | |
|---|---|---|
| Brought forward | | $3,865.03 |
| Expenditures, Exhibit II | $26,615.78 | |
| Receipts, Exhibit II | 25,905.02 | |
| Excess in Expenditures | | 710,76 |
| Total cash in hand, March 30, 1912 | | $3,154.27 |

## EXHIBIT III.

### Increase of Funds in Year 1911–1912.

| | | |
|---|---|---|
| Amount of Funds, March 31, 1911 | | $417,892.91 |
| *Added during Year* | | |
| Additions to Centenary Funds: | | |
| Anonymous Fund | $216.22 | |
| J. L. Sibley Fund | 2,499.48 | 2,715.70 |
| Total of Funds, March 30, 1912 | | $420,608.61 |

## EXHIBIT IV.

### Accumulated Income of Funds.

| | | |
|---|---|---|
| Balance Accumulated Income, March 31, 1911 | | $50,169.57 |
| Income during year, Exhibit II | | 25,905.02 |
| | | $76,074.59 |
| Expenditures | | 26,615.78 |
| | | $49,458.81 |
| Less addition to Centenary Funds | | 2,715.70 |
| Balance, March 30, 1912 | | $46,743.11 |

The income for the year derived from the investments and credited to the several funds in proportion to the amount in which they stand on the Treasurer's books was six per cent of the funds.

The real estate, which is entirely unincumbered, stands on the books at $97,990.32, but is valued by the City Assessors at $197,000. The aggregate amount of the permanent funds including unexpended balances, represented by securities at par and deposits, is $468,220.27, as per schedules of investments given above.

ARTHUR LORD,
*Treasurer.*

Boston, April 1, 1912.

## EXHIBIT V.

INCOME AND EXPENDITURES OF FUNDS FOR THE YEAR ENDING MARCH 30, 1912.

| | Balance Mar. 31, '11 | Income | Expenditures | Balance Mar. 30, '12 | Funds |
|---|---|---|---|---|---|
| Amory | $1,761.17 | $183.25 | $100.00 | $1,844.42 | $3,000.00 |
| Appleton | 6,405.88 | 745.41 | 747.93 | 6,403.36 | 12,203.00 |
| Bigelow | 520.03 | 122.17 | 111.48 | 530.72 | 2,000.00 |
| Billings | 2,622.75 | 610.83 | 384.41 | 2,849.17 | 10,000.00 |
| Brattle St. | 74.31 | 6.58 | | 80.89 | 100.00 |
| Chamberlain | 65.82 | 75.27 | 73.00 | 68.09 | 1,232.33 |
| Dowse | 20.28 | 610.83 | 610.00 | 21.11 | 10,000.00 |
| Ellis | 81.10 | 1,934.30 | 1,747.16 | 268.24 | 31,666.66 |
| Frothingham | 2,684.14 | 183.25 | 175.00 | 2,692.39 | 3,000.00 |
| General | 470.86 | 3,714.73 | 3,283.87 | 901.72 | 44,427.43 |
| Hunnewell | 171.25 | 305.42 | | 476.67 | 5,000.00 |
| Lawrence | 1,195.14 | 183.25 | | 1,378.39 | 3,000.00 |
| Lowell | 373.81 | 183.25 | 175.00 | 382.06 | 3,000.00 |
| Mass. Hist. Trust | 5,292.53 | 610.83 | 680.30 | 5,223.06 | 10,000.00 |
| Parker | 3.96 | 35.42 | 28.91 | 10.47 | 1,000.00 |
| Peabody | 3,915.14 | 1,351.34 | 5,226.12 | 40.36 | 22,123.00 |
| Salisbury | 72.51 | 305.42 | 317.77 | 60.16 | 5,000.00 |
| Savage | 269.26 | 366.50 | 278.98 | 356.78 | 6,000.00 |
| C. A. L. Sibley | 113.24 | 1,374.97 | 1,263.78 | 224.43 | 22,509.48 |
| J. L. Sibley | 8,553.63 | 7,400.75 | 8,911.31 | 7,043.07 | 121,077.00 |
| Slafter | 57.73 | 61.08 | 20.35 | 98.46 | 1,000.00 |
| Waterston No. 1 | 1,466.07 | 305.42 | 26.25 | 1,745.24 | 5,000.00 |
| Waterston No. 2 | 4,158.12 | 610.83 | 605.30 | 4,163.65 | 10,000.00 |
| Waterston No. 3 | 2,369.17 | 610.83 | 601.99 | 2,378.01 | 10,000.00 |
| Waterston Library | 345.79 | 236.70 | 192.27 | 390.22 | 3,875.14 |
| R. C. Winthrop | 5,452.69 | 610.83 | 609.60 | 5,453.92 | 10,000.00 |
| T. L. Winthrop | 318.26 | 144.44 | 140.00 | 322.70 | 2,364.66 |
| Wm. Winthrop | 1,334.93 | 305.42 | 305.00 | 1,335.35 | 5,000.00 |
| Total | $50,169.57 | $23,189.32 | $26,615.78 | $46,743.11 | $363,578.70 |
| Income | 23,189.32 | | | | |
| | $73,358.89 | | | | |
| Sibley Centenary | | $2,499.48 | | | 52,489.24 |
| Anonymous Centenary | | 216.22 | | | 4,540.67 |
| Expenditures | 26,615.78 | | | | |
| *Balance, Mar.* 30, 1912 | $46,743.11 | $25,905.02 | | | |
| Total Funds | | | | | $420,608.61 |

## Report of the Auditing Committee.

The undersigned, a Committee appointed to examine the accounts of the Treasurer of the Massachusetts Historical Society, as made up to April 1, 1912, have attended to that duty, and report that they find that the securities held by the Treasurer for the several funds correspond with the statement in his Annual Report.

They have engaged the services of Mr. Andrew Stewart, a Public Accountant, who reports to them that he finds the accounts correctly kept and properly vouched, that the balance of cash on hand is satisfactorily accounted for, and that the trial balance is accurately taken from the Ledger.

HAROLD MURDOCK,
CHARLES P. BOWDITCH,

Boston, April 11, 1912. *Committee.*

## Report of the Librarian.

The Librarian reported that during the year there have been added to the Library:

| | Given | Bought | Total |
|---|---|---|---|
| Books | 447 | 194 | 718[1] |
| Pamphlets | 697 | 145 | 842 |
| Newspapers, bound | 2 | 12[2] | |
| Manuscripts Bound | 19 | | |
| Pieces | 360 | | |
| Broadsides | 20 | 2 | |
| Maps | 2 | | |

In the collection of manuscripts there are now 1271 volumes, 192 unbound volumes, 108 pamphlets with manuscript notes, and 17,349 manuscripts.

Of the books in the Rebellion Department, 43 volumes have been given and 28 bought; and of the pamphlets added, 4 have been given and 62 bought. There are now in the collection 3522 volumes, 6579 pamphlets, 509 broadsides, and 111 maps.

The Library now contains 53,949 volumes, 115,253 pamphlets, and 4913 broadsides.

[1] 75 are made up by binding pamphlets; and 2, newspaper cuttings.
[2] Made up by binding.

## REPORT OF THE CABINET-KEEPER.

The CABINET-KEEPER reported the following additions to the Cabinet:

Paintings:

Wendell Phillips, by Charles V. Bond (p. 415, *supra*).

Engravings:

Brattle Street Church, 1855, by S. L. Smith, (*Proceedings*, XLIV. 605).
King's Chapel, by D. Y. Cameron (*Proceedings*, XLIV. 605).
Burgis View of Harvard College, 1726 (p. 347, *supra*).
Thomas Savage (p. 185, *supra*).

Photographs:

Group, Massachusetts Historical Society, 1855 (p. 185, *supra*).
Portrait of Joseph Jackson, by Copley (p. 1, *supra*).
Silhouette of Samuel Foster (p. 185, *supra*).

Medals:

De Monts and Champlain (*Proceedings*, XLIV. 563).
Duc de Loubat, 1907 (*Proceedings*, XLIV. 659).
Eighty bronze, from U. S. Mint (p. 1, *supra*).
Governor John Davis (p. 27, *supra*).

Other Objects:

Coats of Arms, Paddy and Wensley Families (p. 337, *supra*).
Imposing stone of *The Liberator* (*Proceedings*, XLIV. 659).
Glass decanters of Commodore Decatur (*Proceedings*, XLIV. 659).
Mexican dollar, 1861 (p. 185, *supra*).

During the year the portrait of Charles Chauncy has been restored by Hermann Dudley Murphy, and he has nearly completed the restoration of the portrait of Increase Mather.

The portrait of George E. Ellis, by Frederic P. Vinton, was lent in November to the Museum of Fine Arts for the Memorial exhibition of portraits by Vinton.

The Recording Secretary, for Mr. MOORE, read the following

## REPORT OF THE COMMITTEE ON THE LIBRARY AND THE CABINET.

Your committee received every courtesy from the Librarian, Dr. Green, from the Cabinet-Keeper, Mr. Norcross, and from

their assistants, and wishes to express its appreciation of the same. The possessions of the library, its working, and its needs were fully explained to us.

The committee charged with this duty two years ago, in 1910, made a very exhaustive investigation and submitted an extensive report, which in some points has been already acted upon, and in others still merits the attentive consideration of the Society.

As regards safety from fire, naturally the first thought that must strike every one in regard to such valuable collections, we feel that the Society has fair, but only fair assurance. Great care seems to be exercised by all the occupants of the building as to the accumulation of unnecessary and dangerous rubbish, and such care is to be highly commended and much insisted upon. The protection of the book stacks seems to be reasonably adequate. We would point out, however, that the invaluable library of manuscripts is in what appears to be an exposed portion of the building, that is, in the portion most nearly in contact with the adjacent structure, which is anything but fireproof. It seems to us that the risk here might be considerably lessened by substituting wire-glass and metal frames for the present plain windows, both in the manuscript room and in the cabinet room below. The floors are concrete and the shelving of metal. The binding of manuscripts is now being carried out in the most admirable and thorough manner. We trust that it will be possible to continue this work on the same scale as at present.

The question of providing more extensive reading room facilities has been frequently raised, and we feel that there is room here for difference of opinion. Conference with those in charge has led us to conclude, however, that persons desiring to do special work have at present every essential convenience afforded them, and it is doubtful whether improved arrangements would draw a much larger number of readers than at present; while such arrangements would necessarily involve an increased expenditure of money which might be more usefully employed in purchasing and binding.

The most dangerous portion of the library as regards fire is the collection of government documents in the basement. We understand that the Council has considered the desirability of disposing of these books, as being little used and all easily avail-

able to students in other libraries. If action is taken to this effect, we would suggest that there are many struggling universities in different parts of the country, situated at a great distance from large libraries, where such a collection would be much valued and even occasionally used.

The lack of reference books insisted on by the committee of 1910 has been to some degree remedied. Some further expenditure of money in this direction would be profitable, however, and we would especially recommend that sets of authors and of publications which have, for one reason or another, come into the Society's possession incomplete, should, so far as possible, be filled out, as a lack in this direction is often a cause of great inconvenience.

We must follow previous committees in remarking on the overcrowding of the cabinet. Pictures and curiosities such as are here accumulated lose much of their effect when the eye and mind are oppressed by the lack of space. Some arrangement should be made, if possible, for a more extensive distribution.

We note also, and heartily approve, the wish of the Cabinet-Keeper that a special functionary should be appointed to the charge of the coin collection. There are valuable specimens here which should be under the care of some one familiar with this very distinct line of antiquarian research.

It seems to us that, while in the main the library arrangements of the Society are on a satisfactory basis, changes in some of the directions suggested above would make the collections more secure, more useful to members of the Society and to students at large, and more in line with the libraries of other similar organizations.

GEORGE FOOT MOORE,
GAMALIEL BRADFORD, JR., } *Committee.*
GEORGE H. BLAKESLEE,

Mr. LINCOLN, for the Committee to nominate Officers for the ensuing year, made a report, upon which a ballot was taken. The officers are as follows:

*President.*

CHARLES FRANCIS ADAMS.

*Vice-Presidents.*

SAMUEL ABBOTT GREEN.
JAMES FORD RHODES.

*Recording Secretary.*

EDWARD STANWOOD.

*Corresponding Secretary.*

WILLIAM ROSCOE THAYER.

*Treasurer.*

ARTHUR LORD.

*Librarian.*

SAMUEL ABBOTT GREEN.

*Cabinet-Keeper.*

GRENVILLE HOWLAND NORCROSS.

*Editor.*

WORTHINGTON CHAUNCEY FORD.

*Members-at-Large of the Council.*

FREDERIC WINTHROP.
MOORFIELD STOREY.
ROBERT SAMUEL RANTOUL.
MARK ANTONY DEWOLFE HOWE.
WILLIAM VAIL KELLEN.

An invitation from the Louisiana Historical Society was read, that the Society be represented at the celebration of the one hundredth anniversary of the admission of Louisiana to the Union, to be held at New Orleans on April 30, 1912. It was voted that the President, or such member or members as he may designate, represent the Society on that occasion.

It was voted that the Secretary convey to Dr. Green its heartfelt sympathy and wishes for his speedy and complete restoration to health.

Governor LONG then said:

I announce the death at Providence, Rhode Island, on March 28, 1912, of William Babcock Weeden, a Corresponding Member of this Society. Mr. Weeden was born at Bristol, Rhode Island, September 1, 1834, attended Brown University, 1848–1851, and on the outbreak of the Civil War became commander of Battery C, First Rhode Island Light Artillery, and was later Chief of Artillery, First Division, Fifth Army Corps. After the war he was prominently connected with business interests in Rhode Island, and wrote much upon the commerce and finance in Colonial New England, the social history of Rhode Island, and on government. He was a frequent attendant on our meetings since his election, November 12, 1896, and is represented by papers in our *Proceedings*.

Mr. KELLEN submitted a memoir of our late associate James Frothingham Hunnewell.

Mr. LANE called the attention of the Society to the existence in England, in the possession of Mrs. Neville Jackson, of a remarkable collection of three thousand silhouette portraits of Americans, made by the French artist, Auguste Edouart, between 1839 and 1848. He showed photographs of the silhouettes of President Josiah Quincy, Mrs. Quincy, H. W. Longfellow and Thaddeus Mason Harris. The English portion of the Edouart collection has been acquired by the National Portrait Gallery, and the Scottish portion by the Scottish Portrait Gallery.[1] Mr. Lane expressed the hope that the American portraits would be secured by some public collection in the United States.

Dr. ALLEN read a paper on the

## NAVAL CONDITIONS OF THE AMERICAN REVOLUTION.

The preponderance of the British naval forces in American waters during the early years of the Revolution was so great that for the colonists in rebellion to overcome it was out of the question; annoyance only was possible. Between 1775 and 1783 the British navy increased from 270 vessels of all classes

[1] See the *Bookman*, January, 1912.

to 468; the number of men from 18,000 to 110,000.[1] Their control of the sea was complete until challenged by the French in 1778. The British had much larger ships than the Americans, which meant that they not only carried more guns, but far heavier ones; the 32-gun frigate was the largest we had in commission. Ship for ship also we were overmatched by the British with their ships more fully manned and their officers and men thoroughly trained. The raw material for their crews was certainly no better and probably not as good as that furnished by the fishermen and seafaring population of New England and other colonies, but the immense advantage of organization, of centuries of military discipline, of naval tradition and *esprit de corps* was theirs.

The British, however, were embarrassed with difficulties which in large degree offset their superiority in force. Operating in a hostile country, their naval stations, even those most securely and permanently held, as New York, were unable to furnish sufficient stores and supplies; and these necessities had to be brought from England, subject to capture by American cruisers and privateers and requiring the diversion of a considerable part of their armed force for convoy. Owing to the incompetency or indolence of some of the British fleet commanders, their available offensive force was used with less effect than might have been the case. Jealousy and quarrels among the admirals also contributed to this result. Official corruption in British dockyards and naval stations, defective organization, and the waste of money and supplies interfered seriously with efficient naval administration. Charles Middleton, comptroller of the navy, wrote to the Earl of Sandwich, first lord of the Admiralty, in 1779: "The whole system of the admiralty is rotten. . . . The dockyards, from want of proper attention to appointments, are in a wretched disabled state, without spirit, without discipline;" and again: "The officers are not kept to their duty. The men are daily deserting in scores, and those who remain are inclined to mutiny."[2] The navy lost large numbers of men through desertion and death from disease.[3]

[1] Clowes, *Royal Navy*, III. 327, 328.

[2] *Navy Records Society*, XXXVIII. 6, 7.

[3] *Ibid.* XXXII. 80–83, XXXVIII. 2–10, 16–30; Belcher, *First American Civil War*, I. 290–308; Hannay, *Short History of the Royal Navy*, II. 205–210, 214–216; *Proc. U. S. Naval Institute*, XXIII. (1897) 480; *Mass. Hist. Soc. Proc.* XLIV. 364–368.

It will thus be seen that the circumstances surrounding the British navy during that period were sufficiently complicated. The entry of other powers into the conflict naturally increased very much the perplexities of England's situation.

Turning to our own side, there was little to help out the slender resources of the Americans beyond the advantage of operating in home waters and along shores inhabited by a friendly people and of a general aptitude for the sea, no greater however than that of their adversaries. The poverty of the Continental government, if not of the country, precluded anything like a strong naval organization and the weakness of Congress, together with lack of experience, made efficient administration practically impossible. For want of money and of available workmen the construction and repair of ships was painfully slow. On this account they were frequently kept idle in port months at a time, nearly a whole season, perhaps, while cruises planned for them were prevented, postponed, or only partially carried out. The obstacles encountered in manning the Continental ships were equal to those which hindered their fitting out. The needs of the army and the attractions of privateering, especially the latter, drew so heavily on the seafaring population that capable men for the regular naval service were scarce. The result was that after almost interminable delay a ship would be obliged to go to sea with a crew deficient both in numbers and in quality, made up of material in large part not only inferior, but sometimes dangerous, if, as was often the case, it included British prisoners who were willing to enlist. In such ships' companies a mutinous spirit prevailed, with occasional serious effects. Furthermore the officers of the navy, while generally good seamen and not lacking in courage, were without military training and thus apt to be deficient in martial qualities and incapable of rising to the occasion at critical moments. The responsibility of an independent command, even of a single vessel on an important service, was often too much for such men. It is hardly necessary to add, however, that there were some notable exceptions.

As a consequence of these impediments the Americans never possessed a regular naval force capable of acting offensively against the enemy in any effective way. The Continental navy, therefore, naturally resorted to the readiest means of injuring

the enemy, that is, by preying upon his commerce. The state navies and privateers were of course engaged in the same pursuit; and this, with convoy duty upon occasion, formed the chief occupation of the entire sea force, public and private, of the country. Engagements with regular British men-of-war were exceptional and commonly accidental.

The futility of commerce destroying as a military measure of first importance has been pointed out by naval authorities. "It is doubtless a most important secondary operation of naval war, and is not likely to be abandoned till war itself shall cease; but regarded as a primary and fundamental measure, sufficient in itself to crush an enemy, it is probably a delusion." [1] The injury inflicted upon England, though large in the aggregate, was not disabling. Part of this predatory warfare consisted in the interception of the enemy's transports, conveying troops and warlike supplies, which were a godsend to our army and the loss of which was severely felt by the British; this perhaps was of too nearly a military nature to be classed as ordinary commerce destroying. During the early years of the war especially, such captures were of the utmost value to the American cause.

There were probably more than two thousand American vessels employed in privateering during the Revolution.[2] One half the men, money and energy absorbed in privateering, if it could have been put into a strong, well-organized Continental navy, would have provided a force able to act offensively against the British navy to some purpose. The other half, devoted to privateering, would have been able to accomplish more in destroying commerce than all the privateers actually

[1] Mahan, *Influence of Sea Power upon History*, 539. See also *Proc. U. S. Naval Inst.*, XXIII. 472.

[2] *Calendar of Naval Records of the Revolution in Library of Congress*, 217; Emmons, *Navy of the U. S.*, 127; Paullin, *Navy of the American Revolution*, 148, 340. The Library of Congress has printed a list of nearly 1700 letters of marque issued to privateers by the Continental Congress. After deducting duplicates, *i. e.* in cases of two or more commissions being successively issued to the same vessel, and deducting also armed boats and galleys, there remain more than 1300 sea-going vessels. Massachusetts issued nearly 1000 commissions, probably representing more than 700 different vessels, after making the same proportionate allowance for duplicates, etc. Several hundred additional privateers must have been commissioned by other States and by the American Commissioners in France and the naval agent in the West Indies.

did, and would have suffered fewer losses, because of the protection afforded by a strong, regular navy against British cruisers. Speculating as to what might have been has a practical interest and value when a choice of alternatives depends upon an accident or train of circumstances which might have happened otherwise. In the case under discussion, however, the fundamental conditions put any such rearrangement of naval power as that suggested so entirely out of the question that there remains no room for regret on the score of mistakes which could have been rectified. The temperament of the people, private interests, the sentiment of local independence and fear of centralized military power, the lack of authority on the part of Congress, the hopelessness of raising the necessary money, are at once evident to the student of this period of our history. Privateering, moreover, was thoroughly believed in as a means of striking at the enemy's vitals. Under the circumstances, therefore, it is obvious that a small, weak navy was one of the necessary conditions of the war and that a vigorous offence upon the sea was not in the nature of things.

When it is once admitted that an aggressive policy, aimed at the British fleets in American waters with any reasonable chance of gaining naval supremacy, was not to be expected, we are better prepared to understand and to accept philosophically the gradual dwindling of the Continental navy, always in the presence of a superior force, the loss of ship after ship, the almost inevitable recurrence of disaster; a dismal record, to be sure, but not discreditable, and relieved by a few successes and brilliant episodes. At the same time we can better appreciate what was actually accomplished by the American marine as a whole, how much it really contributed to the cause of independence. The injury to British commerce was sufficiently serious to aid materially in rendering the war unpopular in England; insurance rates rose to an unprecedented figure, and the available sources from which revenue might be derived by taxation were nearly exhausted. The shores of the British Isles were harassed as never before or since by the repeated visits of American naval cruisers and privateers, and the sea-coast population alarmed. An active and regular commerce was carried on between the United States and continental Europe, providing the latter with American products and furnishing the new

nation with much needed money and supplies. Communication was kept open with France, diplomatic correspondence maintained, and public men of both countries crossed and recrossed the ocean repeatedly, Henry Laurens being the only one of prominence to be captured. All this intercourse, moreover, prevented the isolation of America, and kept alive the interest and sympathy of Europe. Continental ships aided this traffic by furnishing convoy through the danger zone off the American coast and also by taking an active part in it. Many a cargo of tobacco from America and of military stores from France, and many ministers and diplomatic agents were conveyed in Continental frigates.

A rigorous blockade of the American coast from the beginning of the war, as was recommended by Lord Barrington, might have suppressed this commerce, and would probably have strangled the rebellion of the colonists in its infancy, without the help of the army.[1] If at any time during the early years the English had been alert, enterprising and aggressive in the use of their great naval resources, they should have been able to crush or at least greatly to cripple this traffic. Presumably the main reason for its comparative immunity is to be sought in the supineness of British admirals and in administrative vices of the Admiralty.

Although the fortunes of our American marine chiefly concern us, a glance at the general naval war of 1778 is essential to the completeness of the subject. With her control of the sea threatened, the policy for England to adopt was a matter of vast importance. A foremost naval authority has said: "The key of the situation was in Europe, and in Europe in the hostile dockyards." England's "one hope was to find and strike down the enemy's navy. Nowhere was it so certainly to be found as in its home ports; nowhere so easily met as immediately after leaving them."[2] But the opportunity was lost, and it was necessary for England to pursue her enemy to distant seas, leaving an inadequate force in home waters. Fortunately for England the European allies failed to take advantage of her

[1] *Mass. Hist. Soc. Proc.*, XLIV. 368; *Life of William Wildman, Viscount Barrington*, 140–152.

[2] Mahan's *Sea Power*, 525. For discussion of this subject, see *Ibid.* 416–418, 527–535.

mistakes. Instead of using their superior force for a vigorous offence, they seemed ever bent on a defensive attitude; justified perhaps, and certainly so from their point of view, by ulterior strategic considerations. However that may be, the French and Spanish, through lack of co-operation, through dilatory tactics, and for various reasons, either avoided their enemy or failed to seize opportunities as they occurred. Their plans for the invasion of England came to nothing, and their operations in America and the West Indies were generally disappointing and abortive, because of their failure to seek out and strike the enemy.[1] Their naval supremacy therefore was most of the time potential only, although by no means for that reason without effect. It finally became actual and decisive at one critical juncture, when a fortunate train of circumstances secured the control of Chesapeake Bay. Fortunate indeed was this event for the American cause, for whose success the temporary possession of sea power was indispensable.

To revert, in conclusion, to the maritime achievements of the Revolutionists, it would appear that keeping open the intercourse with continental Europe, especially France, and the diversion of supplies from the British to the American army were the most valuable services performed by the American armed forces afloat, public and private, during the war; the injury done to the British navy being almost negligible, and to British commerce far from disabling, to say the least, although not without effect in the general result. It is certain that the Revolution would have failed without its sailors.

Mr. GREENOUGH contributes from his collection of manuscripts the following pieces:

## PETITION ON THE IRON WORKS, LYNN.

[Before 1650.]

To the honoured Generale Courte now assembled at Boston. The humble petition of divers of the Credibters of the Iron workes whoes names are vnder subscribed. Sheweth.

That whearas thear are considerable summs of monys due and payable vnto vs from the Gent the Vndertakers of the Iron workes, both by Bills of Exchang protested: as also vpon accompt by Booke

[1] Mahan's *Sea Power*, 535–539; *Proc. U. S. Naval Inst.*, XXII. (1896) 578.

being for goods monys and provishions taken vp of vs by theyr agents and Facktors and imployed heare and exspended by them for the carying one of the afayres of the said workes; and whearas the said monys haue been demanded by vs of the Commiss[ion]ers with dammages for non payment thearof, and finding that the said Commiss[ion]ers could not pay our Just Demands for want of efects, we the petitioners at least som of vs weare inforsed for our indemnyty and recovering of our monys to take out atachments against the estate of the Vndertaker for tryall at the last Countie Courte at Boston being left hopeless of any other Securyty, yet forasmuch as severale of our honoured magestrates being deeply sensible of the ruin that was like to fall vpon the said workes and of the dammag that would vnavoydably accrew vnto the gent the vndertakers by such proceedings weare pleased to subscribe a letter to our selues and the Commiss[ion]ers to giue ech other a meetting that if possible thear might be a better way found out for the secureing your petitioners and better benifit of the Vndertakers, and they, our said honoured magestrates wold improue theyr interest in this Courte for the confirming of what should be agreed vpon betwixt the Commiss[ion]ers and our selues in way of composytion, we thearfor in a humble complyanc to the desyr of our honoured magestrates and being vnwilling that a worke of that consernment should be obstruckted by vs, saveinge our owne interest that ought not to suffer to much, gaue the said Commiss[ion]ers a meetting and after much agetation and labour cam to a composition with them.

May it thearfor pleas this honoured Courte by an act to confirm the said agreement of the Commiss[ion]ers made with our selues, which we hearwithall present, that it may be awthentike that acordingly your petitioners may not only be secured our monys but alsoe in som convenient season receiue it for the comfort of our Famylyes the want whearof is noe small dammage to vs in our imployments, or otherwise we must be Forced upon our formar course to prosecut in a leagall way against the estates of the Vndertakers, which we ar sensible will redown much to theyr Dammage, but our petition being granted we shall humbly pray for your Worshipps and remayne your much obliged servants

| | |
|---|---|
| Joseph Rocke | Thomas Savage |
| Edw. Tynge | Anthony Stoddard |
| Edw. Hutchinson for my Father Richard Hutchinson | Jacob Sheafe |
| George Corwin | Raph: Mason R M his mark |

We the Commiss[ion]ers whoes names ar hear vnder subscribed doe on the behalf of the Vndertakers of the Iron workes, request the favour of this honoured Courte to grante this petition as that which we conceiue will redowne to theyr better advantage, conserning which we should not haue troubled this honoured Courte in case our power from them would haue warranted such a composition, which we are vrged to, not being able to fynd out a better way with the aprobation of the Credibters for the preservation of the estate of the vndertakers.

Your humble servants

ROBERT BRIDGES
JOSHUA FOOTE
HENRY WEBB

The Deputyes are not willing to grant this petition and desire our honoured magistrates their consent hereto.

WILLIAM TORREY, *Cleric.*

## PETITION FROM WHIPSUFFERAGE, 1660.[1]

To the Honoured Generall Court now assembled at Boston the Petition of the Inhabitantes of Whipsufferage, Humbly sheweth,

That whereas we had a plantation graunted by this Honoured Court in the place above mentioned there hath bin since our grant and since it was layd out, according to Court orders a Thousand Acres or more taken out of our Boundes by Mr. Alcock which hath taken away a Considerable part of our neerest and best meaddowes, on one side of our Towne, and the Indians a considerable part of our neerest and best meaddow and vpland on the other side of our Towne to our Dammage and detriment agaynst which we Complayne not, only propound it to your wise Consideration, thereby to prevent either the grauntinge or layinge out of any more grauntes within the boundes of our Township. That which occasions our feares, is that the present president of the Coll[ege] hauing had a graunt of five hundred Acres of land hath lately layd it out, within our boundes on the west, which hath taken vp the most Considerable part of our meaddow, which we know of within our boundes which wilbe to the spoylinge of the Towne and tend to the Vndoinge of the Inhabitantes, if this farme last expresst should be Confirmed by this Court according as it hath bin layd out meaddow being so scarce already.

[1] The action taken by the Court on this petition and subsequent hearing is in *Mass. Col. Rec.*, IV. pt. 1, 424.

Our humble request to this Honoured Court is (whose subjects we are owing dutyfull obedience relateing to persons and states) having no other refuge to flee vnto vnder god, that we may be relieued and defended both from Mr. Chauncey or any other who shall goe about to take away our landes vnder any pretence whatsoever. We desire no more favours then the Indians had agaynst vs in the like case our plant[ation] being long since layd out, and It is a great discouragment to him who is at present our minister whose Contyuance amongstes vs so much concernes the settlement of the place and the good of our soules, thus not doubting in the least of the favour of this honoured Court herein especially considering what an obstruction it wilbe to the settling of a church amongstes vs we rest Your humble servantes

EDMUND RICE
JOHN RUDDOCKE,
*in the name of the said Inhabitants.*

Our further motion is that the name of the place may be called Marlborrow if this honoured Court thinke meete and we shall rest
Yours as before.

June (2), 1660. The committee haueing perused this pe[tition] do judge meet that the partyes concerned therein haue notice to appeare before the whole Court the 3th day of the next weeke by nine of the clocke in the morning.

THOMAS DANFORTH
ELEA: LUSHER
HENRY BARTHOLMEW

4 June, 1660. The magestrates approue of the Returne if their brethren the Deputies consent heereto.

EDW. RAWSON, *Secret.*

Consented to by the Dep[uties]
WILLIAM TORREY, *Clerk.*

[Endorsed] The pet. of [Inhabytants] of Whipsufferage. Ent. and 2*s.* 6*d.* payd to be heard.

## DEXTER'S APPEAL ON NAHANT[1]

The reasons of Farmer Dexters A[ppeal] Wherein he is Pleading ag'st the Inhabit[ants for] his interest in Nahaunt.

1. The p'f pleadeth his right therein and thereto by purchase of the Indians above 26: years now past, who were then the lawfull owners thereof

[1] From the original MS. in the possession of Mrs. Morton Dexter.

As by the test. off Jno. Leg, Wm. Witten, George Sagamore, Sagamore of Agawam.

2. The p'f pleadeth his possession thereoff by fencing and other improvement as by test. of Wm. Witten, and John Leg Capt. Traske and Mr. Whiteing.

3. The p'f humbly commendeth to the consideration of this Honoured Court

1. That this purchase was by no law then prohibited or made voyd, but hath since by act [of] the Generall Court, Octo. 19. 1652. written lawes ben confirmed, as being according to Gods word Gen. 1. 28. ch: 9. 1. Psa. 115. 16. also divers examples that might be instanced, of sundry persons that do injoye those lands, which in the infancy of these plantaccons they came by their possession in like manner.

2. That as yet no act or instrum't made or signed by the p'f hath appeared to manifest any alienaccon thereof to the deff'ts.

3. That they are partys which testifie ag'st the p'f and that for and in their owne behalfe, and many of them such as have in a disorderly manner ingaged thems: in a speciall manner ag'st the p'f and his rights, as may appeare by the test. of Ri: Moodey their combinaccon of assaulting his person, etc.

4. That if there be no remedy, but what they will sweare must passe as truth (although the p'f conceives it to be very false) yet nevertheless the p'f conceiveth hims: to be wronged in that he had no part found for him, whereas by their owne oath and confession, as he was an Inhabitant of Lin, so he had a share with them, the which as yet they have not sworne as he conceiveth that he either gave it them or any others, and therefore seeing he sued but for his interest therein, whether more or less, he marvelleth that such a verdict should be brought ag'st him, and humbly intreateth releife therefrom by this Honoured Court.

THOMAS DEXTER.

24 (6) 57

This paper was delivered to me by Thomas Dexter the 26th of August 1657.

DANIEL DENISON.

Remarks were made during the meeting by Messrs. STOREY, BOWDITCH, C. C. SMITH, and LORD.

WARREN
HISTORICAL
INSTITUTE

James Frothingham Hunnewell.

# MEMOIR

OF

# JAMES FROTHINGHAM HUNNEWELL.

By WILLIAM VAIL KELLEN.

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James Frothingham Hunnewell was born in Charlestown, Massachusetts, on July 3, 1832. He was descended from pure and sturdy English stock. The Hunnewell family settled in Charlestown about 1698; the Frothingham family still earlier in 1630. His immigrant ancestor was Ambrose Hunnewell, who in 1661 is recorded as settled at the mouth of the Kennebec River. The line of descent was as follows: Ambrose Hunnewell was married, probably in Plymouth, England, on November 1, 1659, to Jane Homes; his son, Charles, migrated from the Kennebec to Charlestown, where his name first appears in the town records as having married Elisabeth Davis on November 17, 1698; his son, Charles, married Margaret Patten on November 8, 1733; his son, William, married Elizabeth Fillebrown on June 22, 1758; his son, William, married Sarah Frothingham, on July 25, 1782; his son, James, married Susan Lamson on September 23, 1819; and his son, James Frothingham, is the subject of this memoir.

Mr. Hunnewell's life may be divided into two almost equal parts, the first of which was devoted to mercantile pursuits, and the second, when, having secured a competence which was increased by inheritance, he gave his life to travel, to literature, and, as a local historian, antiquarian and philanthropist, to gratuitous service to the community. He inherited from his father, who was engaged in foreign trade chiefly with the Hawaiian Islands, a habit of painstaking, a fondness for

travel, an aptitude for descriptive writing and a zest for the collection of books. For while the father might not be described as a collector of books he got together the beginnings of a library.

Young Hunnewell's early education was confined to private schools in Charlestown, and a brief six months at Phillips Academy, Andover, Massachusetts, faulty eyesight obliging him to forego a proposed college course. At eighteen years of age he went into business with his father. An autobiographical sketch, "set in type, without manuscript, and printed by his own hand," in which he speaks of himself in the third person, thus describes his business career:

> His business life began in 1849, when he entered the counting-room of his father, with whom he was engaged in mercantile affairs and shipping on voyages to the West Coast of America and foreign ports, especially the Hawaiian Islands. He was soon an owner in vessels and cargo. Thus he was engaged through a period when American commerce was world-wide and full of the adventurous enterprise of its best years; when clipper ships had their decade of glory, and when the Civil War with piratical cruisers helped to drive the old flag from the high seas. Through the many trials at this time none of their property was put under a foreign flag. It was the heroic age of our commerce, and gave him valuable experience, while its stirring and varied interest made it always attractive. He retired from active business, so called, in 1866, but has constantly since been occupied in managing property, finding that quite as much care and skill are required for maintaining as for acquiring it. . . . He has from early life with his own hand kept his business books, a practice at the foundation of success through life.

He retained through life his connection thus early begun with the Hawaiian Islands although he never visited them, and an active interest in the well-being and higher concerns of that dependency. He was a member and officer of the Hawaiian Club in Boston from its organization in 1866, and for several years its President; he was the treasurer from 1876 to 1903 of the American Endowment of Oahu College; and he was a corresponding member of the Hawaiian Historical Society. He collaborated in the production of a *Bibliography of Hawaii*, and himself wrote a book on the *Civilization of the*

*Hawaiian Islands;* he also produced various other historical papers on the Islands.[1]

He began early in life to travel in this country and abroad, and he remained while strength remained an inveterate traveller. The stimulus in him for travel was mainly twofold: fervid admiration amounting almost to a passion for the personality of Sir Walter Scott and his works, especially as regards their local setting, and an intense interest in historical monuments and their preservation. His *Lands of Scott*, *The Historical Monuments of France*, and *The Imperial Island*, the last named republished in London under the title of *England's Chronicle in Stone*, were the results of these travels and studies.

Mr. Hunnewell was especially identified with his native town, and was affiliated with practically every local interest, business, municipal, parochial and charitable. He was an officer of the First Parish for nearly forty years; the trustee of the Public Library for eight years; a member of the school committee; a vice-president of the Associated Charities; a trustee and vice-president of the Five Cent Savings Bank; a director, and for twenty years president, of the Charlestown Gas and Electric Company; and a vice-president of the Winchester Home for the Aged. He wrote a *Bibliography of Charlestown, Mass., and Bunker Hill* (1880); *Records of the First Church, Charlestown* (1880); *A Century of Town Life, 1775–1882* (1882), the setting being Charlestown, and an *Address Commemorative of the Two Hundred and Fiftieth Anniversary of the First Church* (1882).

In his autobiography he summed up his literary and philanthropic activities as follows:

> He has devoted much time and labor to antiquarian and literary matters, especially those of a sort that can only be treated by persons willing to give both without pecuniary return, in order to preserve or help preserve things valuable. He first gave attention to the Islands with which he had life-long associations, and to the first important Record Book of his native town, that kept by the ministers since 1632. He also prepared and had printed in an elegant quarto, a memoir of his father, with the journal kept by

[1] The Hawaiian Club issued a volume of *Papers*, in 1868, in which appear some essays by Mr. Hunnewell. The *Bibliography* was printed in Boston, in 1869.

the latter during a very remarkable voyage. A memorial of his father, and another of his mother, and five more works, he also privately issued. His first published book was the result of great admiration of Sir Walter Scott's life and creations, and consequent wide travels and examinations of scenes and objects associated with them, — more labor than is bestowed on no few histories. Later, to show the value of Historical Monuments, and their preservation, he published the books on France and England. Charlestown, 1775–1890, followed. . . . His life has been that of a quiet citizen doing his part towards keeping matters in order, and helping to save things worth preserving.

At the request of the Club of Odd Volumes, a socio-literary organization, Mr. Hunnewell prepared five volumes of early American poetry, in the style of the originals with facsimile reproductions, also *Triumphs of Early Printing* (1902). He also wrote a *History of the Society for the Propagation of the Gospel.* He further privately printed, in 1872, the *Relation of Virginia by Henry Spelman* (1609), as well as wrote, edited or printed many other books and fugitive papers. He published a family genealogy under the title *Hunnewell, Chiefly Six Generations in Massachusetts.* He also reprinted from the *Proceedings* of the American Antiquarian Society his papers on "Illustrated Americana" and other essays.

Besides his membership in the Massachusetts Historical Society he was a member of many other learned societies and organizations, among them the American Antiquarian Society, the New England Historic-Genealogical Society, of which he was a life member and for many years a director; the Bostonian Society, of which he was a life member, a director and president; the Bunker Hill Monument Association, of which he was a director; the Archæological Institute of America, of which he was a life member; the American Archæological and Numismatic Society; the Prince Society, of which he was a vice-president; the Society for Propagating the Gospel in Foreign Parts, of which he was a member of the select committee for twenty years; the Pilgrim Society; the Essex Institute; the Wisconsin Historical Society; the Sons of the American Revolution, and numerous others.

Mr. Hunnewell was an omnivorous collector of books and took particular pride in his library. Even earlier than his

choice of foreign commerce as a business vocation he began to pursue his life-long avocation of collecting books. All his books, whether acquired early or late, were housed in the family mansion, numbered 13 in Green Street in Charlestown, in which he was born, and which he described "as one of the old-time family sort with pleasant associations, ample space and comfort, and an individuality of its own." Another,[1] in speaking of Mr. Hunnewell in his later years, describes him as a "man of somewhat unique personality," and gives the following pen picture of him and his library:

A visitor who finds his way to Charlestown at the present day in the hope of gleaning memories of the past would find his journey of little value had he failed to visit the quaint old mansion situated on its western slope, cozily shut in from the march of modern improvements, in an old-fashioned quarter of the town. If the visitor has been so fortunate as to be accompanied by his courteous host, he will pass through many vacant apartments to reach finally one which might be regarded as an antiquarian gem. In the afternoon light of a summer day, the sun's rays are slanting through a stained glass window dimly lighting the picturesque surroundings of the room. There is no finer furniture for a room than books, and this it has in such profusion that wherever the eye may wander, curious, interesting and quaint volumes meet the gaze. The old cases which contain them give one the idea that he had inadvertently strayed into an old English mansion and one is really in the England of the colonial period, for here we find everything pertaining to the legends of the town, a collection so complete that there is hardly a pamphlet or a volume missing that has any remote value upon the history of Charlestown. The host in his courteous and reserved way does not disclose his treasures except under some importunity of his visitor. The atmosphere of the place seems in keeping with the man; reserved and critical in bearing, he invites study and further acquaintance. One feels that one is in the presence of a representative of a time and generation that has passed. . . . But here we stand in the presence of a striking personality in his own homestead. He gives us a glimpse of the sturdy citizen of the simple and early days of this country which was prevalent in so many other spots in New England but is now rapidly passing away.

Of his notable collection of books and its gathering Mr. Hunnewell said:

[1] Dr. J. Collins Warren in his annual address to the Bunker Hill Monument Association, June, 1911.

His library was begun in his boyhood, and has since been gradually gathered, book by book, or work by work, as it was wanted, or as it could be found. While to a certain extent general, the collection includes a remarkable number of illustrated works on Antiquities, the Fine Arts, and Scenery. Among several specialties is one on his native town, its affairs and inhabitants, that could not be duplicated. Of Historic Buildings there is a collection very uncommon in this country, and another of books printed in the XV century. The whole represents a great amount of labor and of pleasure; most of his hunting and fishing have been done in this way.

During the latter part of his life he bought and occupied as a winter residence a house on Beacon Street in Boston, but he called the Charlestown mansion "his home," and resorted to it and the library in it almost daily, when not upon his travels, as long as his strength permitted.

Mr. Hunnewell became a Resident Member of the Massachusetts Historical Society on January 11, 1900. He was a member of the Council from April, 1903, to April, 1906. He contributed two papers to the Society's proceedings on "Early Houses near Massachusetts Bay" and an "Aid to Glory." He also gave the Society a substantial sum of money. He received the honorary degree of A.M. from Beloit College in 1858. He died in Boston on November 11, 1910. He married Sarah Melville Farnsworth on April 3, 1872, who with their son, James Melville Hunnewell, born May 22, 1879, survives him.[1]

[1] See *Proceedings*, XLIV. 218, for a further account of Mr. Hunnewell's life and character.

## MAY MEETING.

THE stated meeting was held on Thursday, the 9th instant, at three o'clock, P. M.; the PRESIDENT in the chair.

The record of the last meeting was read and approved; and the Corresponding Secretary, in the absence of the Librarian, read the list of donors to the Library during the past month.

The Cabinet-Keeper reported the gift of a photographic copy of the portrait of George Richards Minot, one of the founders of the Society, from Laurence Minot; of a Massachusetts State note of January 1, 1780, from JOHN D. LONG; and of a photographic copy of a miniature painting of William Hickling (1704–178–), from Miss Susanna Willard.

The Editor announced the following gifts of manuscripts:

From Miss Sarah H. Blanchard the papers of our late associate, Professor Henry W. Haynes, including his correspondence on archæological matters, his connection with various scientific societies, his diaries since 1873, and scrap-books containing much of his printed writings. At the end of his diary for 1876–1878 will be found a list of his printed articles and of the places where published from 1873 to 1911 — one hundred and forty-eight being thus enumerated.

From Miss S. J. Ballard, of Portland, Maine, some military papers of her great-grandfather, Major William Hudson Ballard, of Newburyport, Mass., containing, among others, his seven commissions (1775–1783), his oath of allegiance (1778), signed by Major-General Thomas Conway, four letters signed by Brigadier-General Stark, and others by Nathanael Greene and James Clinton, with two Massachusetts broadsides on recruiting orders (1775–1776). A biographical sketch of Major Ballard is with the papers; also a MS. sermon in shorthand by Rev. Thomas Allen (1743–1810), of Pittsfield, Mass., who served at the battle of Bennington.

From Miss Marion Walker Bond, of Hartford, Connecticut,

a collection of MSS. of the Chandler family of Andover, Mass. (1678–1830), with two account books and some printed material,

From Mr. and Mrs. Robert C. Rathbone, of New York, letters to Hugh Hall, a merchant of Boston, 1723–1747, and family letters of the Baury family, with an account of the military and naval service of the writers.

John Spencer Bassett, of Northampton, was elected a Resident Member of the Society.

William MacDonald, of Providence, Rhode Island, was elected a Corresponding Member of the Society.

The PRESIDENT reported from the Council the appointment of the following committees:

House Committee: Grenville H. Norcross, Samuel S. Shaw and Worthington C. Ford.

Finance Committee: C. F. Adams, Grenville H. Norcross and Charles P. Greenough.

The President appointed as the Committee to publish the *Proceedings* of the Society: C. F. Adams, James Ford Rhodes and Edward Stanwood.

It was voted that the income of the Massachusetts Historical Trust Fund for the last financial year be retained in the Treasury, to be expended in such objects as to the Council of the Society may seem desirable.

Governor LONG, in behalf of Mrs. Francis H. Lincoln, of Hingham, presented the diary and record-book of the Rev. Peter Hobart, the first minister of Hingham. The entries extend from that giving his arrival in New England, June 8, 1635, to December, 1678, one month before his death. The record was continued by his son, Rev. David Hobart (1651–1717), by his grandson, Rev. Nehemiah Hobart (1697–1740) and others. It is one of the oldest manuscript records of this character in Massachusetts, and was known to Savage while he was compiling his *Genealogical Dictionary of New England*. The entries are summarized in the *New England Historical and Genealogical Register*, II. 250.[1]

[1] This MS. was in the keeping of William Bentley in the early part of the last century, as the following letter shows:

"Judge Story called upon me with your letter of the 27 ult. on Friday last, and I immediately attended to your request respecting Hobart's manuscript. It seems to have been a private diary, in which are to be found some dates recorded at the moment of event by Mr. Hobart, till his death in 1679, and then

## The Willard Portrait.

Miss Susanna Willard, of Cambridge, having expressed her desire to present to the Society a portrait of her father, Joseph Willard, this day was named for the presentation. Miss Willard and invited friends being admitted, the President said:

Writing in his *Diary* under date of Monday, 29 December, 1862, he then representing this country at the Court of St. James, my father made the following record: "Much absorbed by the painful intelligence from America of the wild slaughter, committed from mere military rashness. As yet the only victims personally known to me whose names I find are young Arthur Dehon, the son of William, a son of the worthy clerk of the Court, Joseph Willard, and the Rev. Arthur B. Fuller."

The "wild slaughter" here referred to, "committed from mere military rashness," was the battle fought at Fredericksburg on December 13, 1862. Joseph Willard was then a member of this Society, and as such, an associate of Mr. Adams. The event — the death of Major Sidney Willard — may be taken as the turning point in the life of the father, for in the Memoir of him submitted by the Rev. Charles Brooks, and printed in our *Proceedings*,[1] it is stated that, "After this [death of his son] Mr. Willard's health declined rapidly; and, although no murmur escaped his lips, yet the disease, which had heretofore only preyed upon his physical strength, assailed in turn his mind and benumbed his faculties, rendering their exercise a painful tax upon his bodily powers; until, after two years of suffering, death gently released the wearied spirit from its prison. He departed this life, May 12, 1865, at the age of sixty-seven years."

continued in his family. I found it at the house of Capt. Noah Hobart, shipwright in Salem, a descendant of the family. When I first saw it, it was delivered to me without any reluctance, and it was for several years in my hands. I afterwards lent it to W. Winthrop, Esq., of Cambridge, to assist his Catalogue of Cambridge Graduates. But when the MS. was known to be in existence, many enquiries gave it a value to the owner, which it never before had, and he now reclaims it and insists that it must be returned." *William Bentley to James Savage*, July 8, 1816. MS. *The Diary of William Bentley*, III. 282, contains extracts from the Hobart record and shows that Bentley received the Hobart MS. from Noah Hobart on Sunday, March 29, 1807.

[1] Vol. IX. 276.

This is the ninth of May. Forty-seven years lacking three days only have, therefore, elapsed since the death of Joseph Willard, whose portrait his daughter to-day presents to us. The giver of this portrait is here present, representing her father, her brother, and a historic family. It is no function of mine further to dilate on this interesting incident. A more detailed reference to the portrait is within the province of Mr. Norcross, the keeper of our Cabinet; while to speak of that manuscript life of General Knox, a description of which is to be found in the Memoir to which I have already alluded, will naturally devolve on our Editor. I, therefore, now on behalf of the Society accept these benefactions from the surviving representative of our former associate, and call first upon Mr. Norcross.

Mr. NORCROSS said:

In accepting this portrait of Joseph Willard it seems desirable again to place here a brief statement of the facts of his life and service to this Society. Joseph Willard, the youngest son of Joseph and Mary (Sheafe) Willard, was born in Cambridge March 14, 1798, while his father was President of Harvard College. He received his early education at Cambridge and Exeter, and was graduated at Harvard in 1816. He studied law in Amherst, New Hampshire, and in Cambridge, and later at the Harvard Law School, receiving the degree of LL.B. in 1819. After practising two years in Waltham he removed to Lancaster, and for ten years was there actively in practice.

In 1830 he married Susanna H. Lewis, daughter of Capt. Isaiah Lewis of Boston, and soon after removed to this city, where he continued in practice at the bar and as Clerk of courts almost until his death, May 12, 1865.

He was elected a Resident Member of this Society in 1829, was Librarian from 1833 to 1835, Recording Secretary from 1835 to 1857, and Corresponding Secretary from 1857 to 1864, when at the annual meeting Mr. Willard declined a re-election on account of his health after a continuous service in the Council of thirty-one years. The portrait now given to the Society by his daughter Miss Susanna Willard of Cambridge was painted by Mrs. Lilla Cabot Perry from a photograph taken in 1862 or 1863.

The EDITOR spoke as follows:

The record of American biography before 1880 is not one of great brilliancy. The autobiographies of Franklin and Heath are each noticeable, but for different reasons. The earlier attempts at biographical writing were tinged with misplaced admiration, rhapsodical digressions and not a little fiction. The perspective was wrong, the historical sense weak, and the material unappreciated. The patriotic feeling awakened by the two wars of Independence was strongly felt. The labors of Jared Sparks introduced a new element. While preserving the patriotic feeling, he developed the value of original material, and for a quarter of a century he issued volume after volume of such material, and encouraged the writing of biography. After Sparks there was little excuse for the older style of writing; at least he made it necessary to consult documents. Irving's *Washington* (1855–1859) may be regarded as the first product under the new influence — disappointing, because it was so evidently written under contract. Randall's *Jefferson* (1858) deserves mention for its merits, while McRee's *Iredell* (1857) was a welcome promise of future performance in the South. Parton's *Jackson* appeared in 1860. This awakening of a historical sense was checked by the Civil War, yet not wholly. Parton, "the great American romancer," issued his *Franklin* in 1864, Wells' *Samuel Adams* and Frothingham's *Warren* were published in 1865, and the lives of Nathanael Greene and of Timothy Pickering began to appear in 1867. The return of peace invited the completion of designs which had been held in suspense during the war. The older influences continued until 1880, when the more systematic study of history introduced new methods of treatment.

Biographies, of widely differing merits, had by this time been written of many of the leading characters of the War of Independence; but some of the better subjects had escaped attention, and among these were two of Massachusetts origin — Henry Knox and Benjamin Lincoln. Each deserved a full study as well for the personal character of the man, as for the admirable background he afforded for a description of social and military conditions. In each case the materials at hand were voluminous, original papers in large number.

The Knox papers were entrusted about 1844 to Mr. C. S. Daveis, of Portland, Maine, to enable him to prepare a "life" for Sparks' *American Biography*. Mr. Daveis was unable to proceed far in the work because of ill health, and in 1854 President Josiah Quincy, at the instance of Mrs. Thatcher, daughter of General Knox, asked Professor Bowen of Cambridge to undertake it on a large scale. The negotiations with Professor Bowen came to naught, and Mr. Quincy then turned to Mr. Willard. In July, 1854, Mr. Willard visited Thomaston, Maine, where many of the Knox papers were, held conference with Mrs. Thacher, and returned to Cambridge determined to write the life of Knox.

Some of the papers were in Portland, Maine, some in the Boston Athenæum and some in the Knox Mansion at Thomaston. These last, five boxes of manuscripts and newspapers, were shipped in August, 1856, on an "old and crazy" schooner of ninety tons, the *Henry Clay*, bound from Bangor, Maine, to Roxbury, Massachusetts, with a cargo of lumber. She met a heavy gale on August 19, sprung a leak which could not be met by the pumps, and the gale continuing, she became a total wreck, the deck separating from the hull. The crew saved nothing but what they stood in, so ran the newspaper account.[1] Mr. Willard, at the time in the White Mountains, was naturally anxious for the safety of the papers; but a few days after reading the news of the wreck he received letters from home telling him the boxes were at his house and but little injured. How they were saved is not related in the letters, but his daughter, Miss Willard, now with us, remembers handling the papers in their wet condition.

For nearly ten years he labored on the task, and until his health failed. A volume of his correspondence, now deposited, tells of his search for material, the connections he formed, and the encouragement he received. His industry is proved by the volumes of notes and the careful summary of letters. Copies or a brief account of papers now lost may here be found. The Knox papers themselves are at present on deposit with this Society, and Mr. Willard's note-books offer a full index to the contents of the fifty-five volumes.

As to the biography. The first or "rough draft," which con-

[1] *Boston Daily Advertiser*, August 28, 1856.

sists of notes and extracts in chronological arrangement, is complete in seven parts, and brings the subject to the death of Knox in 1806. The "revise" carries the narrative to 1794, while Knox was still Secretary at War. This relation is full and elaborately annotated; the then known sources of information had been diligently searched. Mr. Willard was no stranger to historical writing, but much remained to be done before the manuscript could be sent to the printer, and death prevented the author from doing what was necessary. It stands as an uncompleted work.

Judged by the standards of the time, it is an admirable work, worthy of careful preservation and certain always to be a source of information upon the career of Knox. Time has applied its merciless test, and the research of others in the last twenty-five years has discovered what must needs be incorporated into the Willard manuscript. The material required to give the work a modern setting was not known in his day, but when he laid down his pen he could with reason feel assured that he had painfully and conscientiously utilized what was then available; that in the historical light of his time he had every reason to believe that his volumes would be full, authoritative, final. The confidence was not misplaced. The record is for general purposes full and authoritative, and as such the Society welcomes the gift now made by the daughter of its former member and officer.

The PRESIDENT then called upon Mr. SANBORN, who said:

Your remark on the early and constant distinction of the Willards among American families of English origin, Mr. President, is specially true of those families resident in Concord. The first Major Willard, born at Hawkshurst in Kent, was in truth the founder of Concord as a settlement, though the foundation of it as a parish was due to its first pastor, Reverend Peter Bulkley of Odell in Bedfordshire; who not only came himself to reside there, but brought a large number of his English parishioners with him. Simon Willard had been here earlier, however, as an Indian trader, and the civil organization of the new town must have been largely due to him and his brethren of the laity, — whose names are perpetuated in the Homeric line of Emerson, all made of patronymics, —

Minott, Lee, Willard, Hosmer, Meriam, Flint,
Possessed the land which rendered to their toil
Hay, corn, roots, hemp, flax, apples, wool and wood.

As Major Willard afterwards founded two other thriving towns, Groton and Lancaster, we may fairly suppose him born to fulfil among men the function of Town-Founder, which has given a name to the legendary Romulus. Indian trader, Indian fighter, commander and magistrate, he may well be revered by his thousands of descendants, whom I have met in every profession and occupation, in all parts of the nation. Some five years ago, one of these, residing in England, where she had married, Mrs. Catharine Weed Ward, daughter of my good friends William Barnes and Emily Weed, and granddaughter of Thurlow Weed,— sent me from the church in Kent, where Major Willard was baptized, the record of his English ancestors, and photographs of the church and its inscriptions, which, at her request, I deposited in our Concord Public Library. In every generation of the three centuries of Concord's existence, this family, by its own names and those allied by marriage and descent, has achieved distinction in war and peace, but chiefly in letters and in law. The gentleman whose portrait the Society receives today, along with other memorials, from the ladies of his kindred, Joseph Willard of Boston, was known to me chiefly from his connection with an agreeable circle in Concord, and as the father of three graduates of our neighboring College, Sidney, Joseph and Robert Willard, one of them my classmate in the years 1852–1855. I met the father but occasionally, and had forgotten his manly presence and expressive features, until I saw them here faithfully reproduced today. That recalled to me at once not alone the man and his children, but the whole circle of those distant days in Concord, when, at the Old Manse, and the houses of Emerson and Alcott, I met, year after year, those residents and visitors of Concord, who live in my recollection as the most winning and memorable group of persons, increasing and varying year by year, with which I have associated in the long course of my life. It included genius, character and talent, — among its members were representatives of many States and countries, and the advocates of the most diverse opinions; but held together in the gentle bonds of mutual respect, deference and affection. Beauty and talent were not

lacking, wealth and honorable poverty mingled, as they ever do where the rules of really good society prevail, and the customs of plain living and high thinking are held in respect. Music and the arts were cultivated, learning was honored, but not overvalued, and the study of Nature went on under some of the most modest and original instructors. An old connection between two ante-Revolutionary families, the Bradfords and the Hicklings, had brought the Willards into association with the Concord Ripleys, — who in their turn were intermarried with the Waldo-Emersons of Concord, which had been their home for three generations. Then an intermarriage with Plymouth families brought to Concord the Goodwins and Watsons and Russells of the Old Colony, either as visitors or residents. Our associate, Professor Goodwin, *emeritus* of Harvard, was born in Concord, the son of a colleague-pastor of Rev. Dr. Ripley, and Miss Watson, whose father was a cousin of Col. George Watson of Plymouth. The Bradfords, of whom, in Concord, were Mrs. Samuel Ripley of the Old Manse, and her younger brother and pupil, George Bradford, uncle of our late associate Gamaliel Bradford, had their ancient home in Duxbury, adjoining Plymouth, where the Colonial Governor had resided. Another Concord family, the Whitings, was allied in England to the same St. John family of Bedfordshire, into which the Bulkleys had married; and still another family, the Hoars, was connected with Roger Sherman.

To these elements of New England origin in the society of Concord the Transcendentalist movement of 1836–1850 added others from various directions, — exiled Germans like Dr. Follen, self-exiled English scholars such as Arthur Hugh Clough, learned Hebrews like Emanuel Scherb, English mystics like Charles Lane, the associate of the Alcotts at Fruitlands; suspended students of Harvard from Virginia and the Carolinas; graduates of Brook Farm, such as George and Burrill Curtis, Hawthorne and the Barlow household; and the sibylline Margaret Fuller, whose sister had married Ellery Channing, and come with him to live near Emerson and Thoreau. Seldom has a small village in New England drawn together so variously gifted and strangely experienced a company of neighbors, with so many points of advantage and disadvantage, of sympathy and antipathy, — which the gifted writers among them did not

fail to describe and exaggerate. Sidney Willard, the eldest son of Joseph, was a classmate of Joseph Choate, since so distinguished, and of the late Professor James Thayer, who married the youngest child of the Old Manse, Sophia Ripley. He was an athlete, a lawyer, a chess-player, and, when the folly of the Carolina and Virginia slaveholders brought on the Civil War, a patriotic and effective soldier in defence of the Union; which Abraham Lincoln, reviled and misunderstood, was defending upon the only practicable ground, — that the divided house should cease to be divided. Sidney Willard, and most of the Massachusetts volunteers, were of Lincoln's opinion, and shared the enthusiasm of Governor Andrew for the cause of human liberty. I hear much said of late about forgetting the causes of the Civil War, — the meanest advice that can be given to Massachusetts men. Forget the *measures* of the war, its slaughters, like that in which Willard fell at Fredericksburg; its blunders, like the first Virginia battles; and avoid those details of marches and fights which only keep alive the embers of contest and of vengeance! But never let the memory of the cause that triumphed pass away or grow dim! It was the cause of humanity and of civilization; and for every brilliant young life that was extinguished before its maturity, for Willard, for Shaw, for the Lowells, for Abbott and Paine and Winslow and Whittemore, let us remember that the human race took a step forward; and that the stars on our flag shine now with a new lustre since it waved in the front rank of a new Revolution for the freedom of Man.

> Though Love repine, and Reason chafe,
> There comes a voice without reply, —
> "'T is man's perdition to be safe
> When for the Truth he ought to die."

The section of the day being called, Dean HODGES gave an account of the first Vestry Minute Book of Christ Church, Boston, which has just come to light in the renovation of the church building, and is in the possession of the authorities of the parish.

The records begin with the 6th of April, 1724, when the congregation elected James Graves, Esq., and Anthony Blount to be Church Wardens, and Henry Franklyn, Edward Watts,

John Gibbs, Gillam Phillips, John Corney, George Monk, North Ingham and Robt. Temple to be Vestrymen.

The entries, as far as 1765, are concerned with the rectorship of the Rev. Dr. Timothy Cutler, whose removal to the Episcopal Church in Boston from the presidency of Yale College amazed and distressed the Congregationalism of that day. After several attempts to provide for his financial support, his salary was fixed, in 1726, at three pounds and ten shillings a week. A serious disagreement arose in 1735 between the rector and the vestry, as to the rector's right to call vestry meetings. The decision is thus stated in the minutes:

Whereas, the Revd. Dr. Tim. Cutler has of late disputed the Church Warden's Right of calling a Vestry Meeting to manage the Affairs of the Church (until leave be first had from him) although the Church Wardens have by their undoubted Right called Vestry Meetings Ever Since the founding of this Church without any Application to the said Revd. Dr. Cutler (not to deprive Nevertheless the Revd. Dr. Cutler of his Right of Calling a Vestry Meeting upon any Ecclesiastical Affairs) and as this Method Conduced to the Peace and Quiet of this Church, It is now Voted, that the Church Wardens (for the time Being) do now continue in the Same Power and Right they have hitherto had of calling Vestry Meetings so often as they shall think proper for the Service of this Church. Voted that the above Vote and all other Votes concerning the Right of the Church Wardens and Vestry shall allways be read by one of the Church Wardens to the Revd. Dr. T. Cutler's Successor and Successors before he or they be presented or inducted, or any other ministers recommended and Received in this Church.

The minutes record the progress of the completion of the church. In 1724, the wardens are to provide brick for the steeple. In 1726, twenty-four pews are to be built in front of the north and south galleries, "each pew to contain three foot ten inches deep." It is ordered "That no Nailes nor pinnes be put in the Pillars nor the front of the gallerys with a design to hang hatts-on." Also, "That for the future the Sexton shall keep ye rails at the Altar clear from boys or Negroes setting there." In 1727, a pew is to be "expeditiously built next to the Pulpit and lin'd handsomely For the use of the Gentlemen of ye Bay of Hondoras, who have been or shall be Benefactors to this Church." In 1730, "In consideration of the late Dona-

tion of our Most Gracious Sovereign King George the Second to his Maj$^{tys}$ Chappel in this Town," it was voted to concur with His Excellency, Governor Belcher, in an "application for getting plate and other Utencills for ye Altar of Christ Church, and for a Bible, prayer-book &c, for the Use of the said Church, like as his Majesty's Chappel in this Town has lately been given by the interest of the said Governor." In 1733, the royal gifts arrive. In 1736, the organ is first heard; and it is voted "That the Ten Commandments w$^{th}$ suitable Ornaments be wrote and painted as soon as possible." In 1742, money is being collected to buy a Ring of Bells; these are cast and consecrated in England in 1744. Captain Southwark gives a clock in 1749. Mr. Thomas Johnson, in 1752, is making a new organ, "with the Echo Equall to that of Trinity Church in this Town."

Meanwhile, pews are sold and transferred at prices ranging from ten to fifty pounds, according to location. On Christmas Day, year by year, the wardens take the collection boxes and make the round of the pews for the benefit of the poor. Measures are taken for the relief of those who are "distrained and imprisoned for not paying Rates to the Dissenting Teachers," or are "presented for Travilling to or Comeing from any Church of England throughout the Province for the Worship of God."

In 1759, Dr. Cutler being then seventy-six years of age and in infirm health, Mr. James Greaton goes to England to be ordained to be his curate, and is asked to bring back an organist with him, who shall ply some useful trade on week days; if possible, a barber. In 1765, the minutes record the death of Dr. Cutler, and Dr. Caner is presented with a mourning ring for preaching at the funeral.

Mr. WENDELL showed two travelling phrase-books printed in the sixteenth century and in the original pigskin covers, which he found in the Jacob Wendell house at Portsmouth, New Hampshire. The title-page and final sheets of one are missing; the title-page of the other reads:

Dictionariolvm / Hexaglosson / Cum colloquijs aliquot sex linguarum / Latinè, Germanicè, Belgicè, Gal / licè, Hispanicè, Italicè: / Omnibus linguarum studiosis domi forisque per quàm / necessarium. [Same, repeated in German.] Antverpiae M.D.XXCV.

The dedication reads:

En tibi. / Lingvarvm studiose Lector / Sex / Linguarum Christiani Orbis principum / Nomenclatorem / Babylonicae confusionis Medicum / Dictionariolvm / Hexaglosson cum colloquijs Vitae / quotidianae necessarijs: / Eo / in rem tuam vtere ac fruere, / pijsque manibus / Corn. Valerii Vltrajectini, è cujus / Latina interpretatione ceterae fluxerunt, / diligentiae & assiduitati / parentato.

While the first volume contains phrases and rules of grammar in six languages, Latin, German, Flemish, French, Spanish and Italian, the second copy contains phrases in seven languages, English being added. The texts are identical for six languages in the two volumes, but the editions are quite distinct.

The British Museum has an earlier edition of this phrase book, in six languages, but without the Latin and under another title:

Colloques ou Dialogues avec un Dictionnaire, en six langues; Flamen, Anglois, Alleman, François, Espaignol, & Italien. [By N. Barlement.] *Anvers*, 1576.

Another edition, "Familiaria cum Dictionariolo sex linguarum" was issued at Antwerp in 1584; the Latin part, taking the place of the Flemish, was prepared by Corn. Valerius. It differs from the volume shown by Mr. Wendell in having English in the place of Flemish.

A compilation for seven languages was printed at Leyden in 1589, 1593 and 1600, and the second Wendell copy is probably one of those issues. In 1630, a printer at Antwerp published a phrase book for eight languages, Portuguese being the eighth. Ostensibly to encourage intercourse among "Christian peoples," these volumes were approved by the church; but they unquestionably served commercial ends as effectively. In the Wendell volume of 1585 the rules of pronunciation are given in French.

## The Wilkes Sword.

Referring to the paper submitted by him at the November meeting of the Society, relating to the *Trent* affair,[1] Mr. C. F.

[1] See pp. 35 and 522, *supra*.

ADAMS mentioned a letter he had recently received from William E. Foster, of the Public Library at Providence, Rhode Island, in which notice was called to a passage in the *Life of Horace Binney* by his grandson, Charles Chauncey Binney (Philadelphia, 1903). Mr. Horace Binney had, in the course of a letter quoted in the *Life* (p. 345), made allusion to the Wilkes proceeding. His biographer then wrote:

> The reference to the Slidell and Mason affair, in the above letter, is very guarded. As a matter of fact, when Mr. Binney first heard the news of their being taken, he shared the general satisfaction, but literally for a moment only. While he was speaking about it a doubt seized his mind. He ceased talking and withdrew to his office. After consulting his books on international law he returned to the drawing-room, where some of his family were, and said, regretfully but decidedly, "We shall have to give them back."

In the same connection Mr. Adams also called attention to the altogether forgotten fact that when Captain Wilkes was in Boston in November, 1861, immediately after the delivery of Messrs. Mason and Slidell at Fort Warren, among the courtesies and testimonials showered upon him was "an elegant sword" voted by the Boston City Government "as a slight memento of the gratitude of our people for the important service he has just rendered to the national cause in this hour of the country's peril." The insignia and inscriptions placed upon this sword were elaborate, and its cost, including expenses attendant on its presentation, was in the immediate neighborhood of $1200. The presentation did not, however, take place until Saturday, June 7, 1862, when already the *Trent* affair had become ancient history. It had in fact taken its place as a minor episode in the conflict then in progress, and an episode over which the enthusiasm of the American public had distinctly subsided. The Boston sword had, however, been formally voted, was in evidence in a shop window, and its presentation was in order. Joseph Wightman was then Mayor. The presentation took place at the Continental Hotel, Philadelphia. The speeches were brief, and curiously significant of the rapidly changing conditions of that terribly eventful period; between the close of November, 1861, and the early days of June, 1862, much had happened. The presentation speech was made by Mayor Wightman. He spoke as follows:

*Captain Wilkes.* In behalf of the City Council of the City of Boston, I have the pleasure of presenting to you this sword as a testimony of their respect for you as an officer of the United States Navy, and of their appreciation of your patriotic conduct in sustaining the honor of our flag under circumstances of peculiar difficulty.

The manner in which you performed what you considered to be your duty on the 8th of November, 1861, merits not only our appreciation, but the cordial approval of every loyal citizen of our Republic. Diplomatic policy and the condition of our public affairs may have rendered it expedient for our National Government to disavow your proceedings, but the firmness, courtesy and good judgment which characterized your action on this occasion, is worthy of high commendation, and it will occupy a bright page in the future annals of our country.

Accept it then, Sir, as a gift honorably won, as it is worthily bestowed, — preserve it, not only as a memorial of your own merit, but as an expression of the high estimation in which we hold that noble arm of our public service which is so gallantly and gloriously defending the Constitution of our Union in its present trial. And when this fiery ordeal to which our country is now subjected shall cease, and peace spread its blessed wings over a re-united nation, you and your children will cherish this gift of the City of Boston as a proud memento of your loyalty and patriotic devotion as an officer and a citizen.

And I am most happy, Sir, to be the representative of the City Government on this occasion, and in presenting to you this token of their esteem, permit me to add the earnest hope that we may long continue to enjoy the service of one who has for so many years honored and adorned the naval and scientific records of our country.

Captain Wilkes replied as follows:

*Mr. Mayor and Gentlemen of the Common Council of Boston,* — I can scarcely find words to express to you the gratification I feel at the reception of this splendid and unexpected testimonial now presented to me, by the City of Boston, as an approval of my conduct in the *San Jacinto* and *Trent*, resulting in the capture of Messrs. Slidell and Mason.

It is unnecessary for me to refer to it, except to remark that my judgment still affirms the act, and were I placed under similar circumstances, I should not hesitate to act again as I did in that affair. I trust their capture will prove the cause of great blessing to this country and other nations in establishing the great American doctrine of neutral rights on the ocean, or a settlement of international law established now by precedent.

Thanking you, Mr. Mayor and Gentlemen of the Council, and through you the citizens of Boston, for the high honor they have conferred upon me, in this memento, I can but assure you, while life lasts, it will ever be cherished by me with the most heartfelt gratification, and be drawn only in defence of right and our country.

It must be admitted that there was on the part of Admiral Wilkes an element of shrewdness as well as considerable ingenuity in the single significant passage in this very brief, if not over carefully prepared, speech of acceptance. The obvious inference is that he claimed to have accomplished a great result by boldly acting in accordance with British contentions and precedents, though confessedly dormant through half a century. In other words, he had given Great Britain a practical application on itself of what he held to be its doctrines of right of maritime search and the seizure of individuals owing allegiance. His so doing, he claimed, had forced Great Britain to an open abandonment of its positions previously assumed, and the acceptance by it, and the consequent establishment by precedent of "the great American doctrine of neutral rights on the ocean." And if such is the correct interpretation of his remarks, it can only now be said that it was a risky experiment on the part of a naval officer, acting wholly without instructions, and at the time came dangerously near to involving the country in a crisis which could hardly have failed to have been most prejudicial to the Union cause. Moreover, the record affords no evidence that this view of the situation and the possible advantages to be therefrom derived was present in the popular American mind at the time, much less weighed with the publicists. Clearly, it was a happy afterthought.

The sword thus presented is now deposited in the Smithsonian Institution at Washington.

Mr. ADAMS then in another connection referred to a letter from Lafayette to Governor Nelson of Virginia, which formed an item in the Benson J. Lossing collection of historical manuscripts. In referring to it Mr. ADAMS said:

In a paper submitted at the May meeting of 1910[1] I observed of General Nathanael Greene, of Revolutionary fame:

[1] *Proceedings*, XLIII. 584.

It is impossible now to say whether he possessed in any marked degree the elements of an officer of cavalry. He, however, fully realized, as a result of experience, the immense importance of that arm of the service, causing him to write to Lafayette, when the latter was conducting operations in Virginia, the enemy "are increasing their cavalry by every means in their power, and have a greater number than we have, though not of equal goodness. We are trying to increase ours. Enlarge your cavalry or you are inevitably ruined."

The letter of Lafayette dated July 12, 1781, is to the same effect:

Capt. Rudolph the bearer of this has been sent to me by General Greene, with the most pressing and particular request to have Col. Lee's legion completed. The General is apprehensive of the worst effects from the enemy's superiority in horse; and that every thing ruinous to the Southern States is to be feared from this. He wishes therefore that as many horses be impressed as will mount the whole of the cavalry. . . . The services rendered by Lee's corps are such that we cannot give it too much encouragement.

After calling attention to the above authorities and references, Mr. ADAMS submitted by title the following paper:

## THE KINGDOM OF ACCOMAC.

At the corresponding meeting to this a year ago, that of May 10, 1911, I submitted a paper, since become a part of the Society's *Proceedings* (XLIV. 610–646) in which were set forth, from a fairly historical point of view, observations made during a visit to the Panama Canal Zone and conclusions therefrom drawn. This year, though at a slightly later date, it was my fortune to visit another locality, much nearer home, but also not without a historical interest, and especially, as I shall presently show, interest in connection with early Massachusetts. I refer to the two eastern counties of Virginia, Accomac and Northampton. Separated from the rest of the State by a somewhat broad expanse of water, these counties are not of late often visited by people from Massachusetts. Yet that region was in the beginning closely connected with us, and consequently familiar to many of those of our colonial period.

This more recent Eastern Shore of Virginia experience proved

therefore most unexpectedly suggestive of the next serious publication on the program of the Society, — Winthrop's *History*. But before speaking of it in this connection, my reference to the previous Panama experience necessarily suggests another event, — an event occurring since the last meeting of the Society, but which, passing into history, will assuredly be long remembered. I refer to the hideous marine disaster hereafter to be known as the wreck of the *Titanic*.

In my paper on the Canal Zone, I had occasion to make mention of an artist friend of mine, Mr. Francis Davis Millet, to whom I was indebted for the experience, and to whose companionship and extreme interest in the locality I more particularly refer in my account of a morning passed at Old Panama, — the morning of March 21, 1911.

One of the passengers on the ill-fated *Titanic*, Mr. Millet was of those who went down with the ship. His loss is to me a thing irreparable. Nearly forty years ago, — that is, in April, 1873, — I was appointed by Governor William B. Washburn, Chairman of a Commission provided for by the Massachusetts Legislature of 1873 to attend at Vienna the Universal Exposition, or, as we would call it, the World's Fair there held that year. I had then never heard of young Frank Millet, much less had I seen him. When I received my appointment, I was advised that he, then a student of art at Antwerp, had been selected to serve as Secretary of the Commission. Well do I remember our first meeting. I had reached Vienna, and was very much alone there, in fact sorely in need of companionship. One afternoon I heard a knock at the door of my sitting-room in the hotel, and immediately after, an almost typical representative of our American youth put in an appearance. His aspect at that moment of first meeting is vividly photographed in memory. Young, slender, of scarcely medium height, almost boyish in aspect, his face bore that kindly companionable smile which always and everywhere seemed natural to it. I cannot doubt he wore it up to the last dreadful moment, as he helped that unknown immigrant woman into the life-boat of the *Titanic*, addressing to her kindly words of cheer in her own native tongue. Returning, however, to my memory of that first meeting, as he introduced himself, I had no premonition of the fact, but then began one of the closest, most constant and

most valued friendships of my life, destined to terminate only when the *Titanic* made its plunge in mid-Atlantic. So now I here put on record this tribute to a singularly winning personality, who through close upon forty years contributed, more than any other single individual outside of the family circle, to the enjoyment — what I may call the sunshine — of my life.

Some five years ago, when on the occasion of my delivering the address at Lexington at the Centennial of Robert E. Lee, I made my first incursion into Virginia since the Civil War, Mr. Millet went as my companion. I shall not forget his keen enjoyment of that experience, — its individual and local flavor. He and I found ourselves suddenly introduced into an environment and atmosphere strongly foreign, both in aspect and sympathies. Distinctly Scotch-Presbyterian in type, it yet seemed alien though within an easy day's journey of Washington. And had Millet been alive and here, he would undoubtedly have been my companion in the more recent Virginia visit to which I propose now to make reference.

Having always heard of what is in Virginia known as "Ye Ancient Kingdom of Accomac," I had long been curious to visit it. Somehow vaguely associated in my mind with Henry Clay, though he, I think, never in his multifarious American journeyings really got there, I remembered reading a description of it as it then was in *Harper's Monthly Magazine*.[1] The home and place of origin of at least two conspicuous Virginian families, — those of Custis and Wise, — it was as a guest of one of the present generation of the last-named family that I now went there.

In doing so also, I took with me a volume recently published by Jennings Cropper Wise, a member of the Virginia Historical Society, entitled *Ye Kingdome of Accawmacke, or the Eastern Shore of Virginia in the Seventeenth Century*. This volume, read on the spot, I found of extreme interest. Showing thorough study, it tastes of the soil, having that local flavor which can be given to such a work only by one to the manner born, writing *con amore*. And the volume, moreover, had, I found, a peculiar value in connection with our own early Massachusetts annals.

[1] *A Peninsular Canaan*, by Howard Pyle, *Harper's Magazine*, May, 1879, LVIII. 801–817. Clay was born in Hanover County.

I was surprised at the Massachusetts foot-prints found in that account of a remote and strictly Virginian locality.

Indeed, so remote and unvisited are the two Virginia counties known as the Eastern Shore, that many now here present may probably have only a more or less vague idea of their geographical position. I will say, therefore, that Accomac is the southern continuation of what is known as the Eastern Shore of Maryland, lying between the Chesapeake Bay and the Atlantic, and terminating at Cape Charles, some twenty-five miles only from Fortress Monroe and Old Point Comfort. In its geological formation, the region strongly resembles Nantucket. Surrounded on nearly every side by water, with a breadth varying from two miles to twenty between the Atlantic and Chesapeake Bay, its climatic conditions are peculiar and almost unique. It is wholly devoid of a rock-bound character. A surf-beaten sand-bank on its eastern side, it lies between the ocean and one of its larger inlets. A light soil has, however, been enriched by generations of vegetable mould, one growth after another of the primeval forest, composed mainly of the Southern pine, having there fallen and decayed. With a moist atmosphere and genial climate, it is a monotonous and level region of great fertility.

But I do not propose to enter into any description of Virginia's Eastern Shore from the agricultural or material points of view. This has already been sufficiently done, and in artistic fashion, in the paper in *Harper's Monthly* already referred to. I will merely incidentally say that, however little observant, the New England visitor to Accomac now finds himself brought face to face with a phase of the Africo-American race problem, and industrial conditions manifestly disorganized. Into the maze of discussion thereby suggested, whether in its immediate aspects or more remote consequences, I do not propose here to enter; but referring to the population of Virginia descent, Mr. Pyle thus wrote the lifetime of a generation ago: "The poor are wofully ignorant, as the upper classes are, in many instances, indolently unprogressive, though far less so than formerly. In short, the Virginia portion of the peninsula seems sunk in a Rip Van Winkle sleep that has lasted a hundred instead of twenty years, and that as yet shows but small signs of awakening." Written before the railroads had

pushed their way south of the Maryland line and into Accomac, conditions during the last score of years have markedly changed. Direct and easy lines of communication have been opened between a region of singular natural productiveness and the largest American markets. As a result, the value of land I was assured had risen several fold. The Rip Van Winkle sleep has manifestly come to an end, and the only hindrance to a thoroughgoing awakening of the Virginia Eastern Shore now lies in the race, and incidentally the labor, question; a problem the practical solution of which is not yet apparent.

All this, however, though in itself interesting, is quite apart from my present purpose. That purpose is to confine myself to its historical aspect, and, what is more, its historical aspect in connection with New England and Massachusetts, — in other words, to what I may call the New England foot-prints I found in historical Accomac.

When more carefully considered, it was altogether natural that the relations which originally existed between the earliest Massachusetts settlement — that which preceded Boston — and the settlements on the Chesapeake should have been close. It is to be remembered that prior to the founding of Boston, in 1630, the only English-speaking European footholds on the North American continent were at the fishing stations on the coast of Maine, at Plymouth, and on the James and Chesapeake. When, therefore, the trading vessels came across the Atlantic, — and the records show that some forty or fifty sailed that way each year, — they seem first to have visited the Maine fishing grounds, to have then passed on to Plymouth and Massachusetts Bay, and finally to have found their way to Virginia. They there took on board a return cargo of whatever the country produced, — whether furs, forest material, or fish, — and then either went back over the course by which they had come, or continued their voyage to the West Indies or the Spanish-speaking countries.

Accordingly, before the settlement of Boston, when in 1625 Captain Wollaston established himself on the hill within the limits of the present city of Quincy which still bears his name, bringing with him thirty articled servants, after passing a winter there, not liking the venture, he went on to Virginia, taking a portion of his articled servants with him, leaving an

associate — Rasdell, by name — in charge of the plantation or trading post. In Virginia he found a ready market for these articled servants, and subsequently returned to England with the proceeds derived from the sale thereof. Of Captain Wollaston and his articled servants I found no trace in the pages of Mr. Wise's book. Not so, however, with the later settlement at Braintree, as what is now known as Quincy was then called. The first settled clergyman in Braintree was one William Thompson. Ordained over the newly formed church in September, 1639, in 1642 his brother ministers of New England selected him, with two others, to go forth on a strange sort of missionary work among the Church of England heathen of Virginia, as Cotton Mather describes them; for a cry had come up from "many well-disposed people, . . . to the elders here, bewailing their sad condition for want of the means of salvation, and earnestly entreating a supply of faithful ministers, whom, upon experience of their gifts and godliness, they might call to office." Accordingly, in October, 1642, Mr. Thompson set out from his Braintree home for Taunton, the first stage on the way to Virginia; his single companion being the Rev. John Knowles of Watertown, "a godly man and a prime scholar." [1]

Turning now to Mr. Wise's book, I found in two places (pp. 74 and 259) the foot-prints, apparently in Accomac, of William Thompson of Braintree. His mission was not a fruitful one. Indeed it is not perfectly clear that he ever found his way to the Eastern counties. It was not so, however, with another wayfarer from Massachusetts later on. Mention is frequently found in Winthrop of Nathaniel Eaton, said to have been the first principal of Harvard College. Driven thence, — the full narrative is contained in Winthrop, [2] — he found a way, both devious and halting, to Virginia, and became subsequently the first settled minister in Accomac, the Assembly having made an "allowance of ten pounds of tobacco per poll, to enable the minister to hire a vestry clerk and sexton." [3] Into the subsequent experiences of Master Eaton I do not propose here to enter. When, however, our Editor comes next year across the name of Nathaniel Eaton in the pages of Winthrop, he will do well to consult the long subsequently prepared narra-

[1] Winthrop, II. 78.
[2] *Ibid.*, I. 308.
[3] Wise, 260–270.

tive of Mr. Wise. It is, therefore, with some reason that Mr. Wise exclaims (p. 270) — "What a little world this was even in the seventeenth century."

Yet another personage whose foot-prints still remain deeply imprinted on the Eastern Shore is one Francis Doughty, — later the ordained minister of the two lower parishes of Accomac. As respects him also, our Editor will have occasion to consult the pages of Mr. Wise's book. They are suggestive. Doughty, who, by the way, seems to have married the widow of Nathaniel Eaton, is mentioned in the records of New England, of Manhattan, of Virginia, and of Maryland. He seems to have been a distinctly otherwise-minded man; for not only was he a non-conformist, but he denied the supremacy of the King, and refused to allow the members of the Church of England "to communicate in the blessed ordinance of the Lord's Supper." Nevertheless, he appears to have been far more successful than William Thompson in disseminating the doctrines of the true Church, according to New England's conception thereof; for Mr. Wise significantly says of him:

> It is difficult to understand why the ruling class, composed of church of England men, allowed him to preach there. He certainly had the respect of the better class of planters, who were as a rule most intolerant of all "schismatical sects" as illustrated by their persecution of the Quakers. Yet there was a great distinction between Quakers and non-conformists, there being many of the latter class on the peninsula, and while the actual control of the parishes was in the hands of Anglicans, the influence and numerical strength of the liberal-minded churchmen were too great to be entirely disregarded, since they in large measure paid the tithes. The presence of the New England Puritans and the Reformed Churchmen of Manhattan and Holland had greatly liberalized established Episcopacy. These people were ever a peaceful, submissive, worthy element of the population, regarding themselves, in a measure, as guests in a foreign land, and by their very acquiescence in the support of the Anglican faith intruded their liberal views upon the ruling class more successfully than could have been accomplished by force.

Finally, and most important of all the Massachusetts people having connection with that region, was no less a person than the famous Edward Gibbons, Major-General of the Colony of Massachusetts Bay. I many years ago made the acquaintance

of Edward Gibbons in connection with Thomas Morton of Merrymount.[1] Naturally, therefore, I was somewhat surprised at meeting him again in Accomac. There he was, however, and in a neighborhood and company both suggestive and questionable; for when I previously came across him I had found occasion to say that it was "much to be feared that he for a time tried his hand at buccaneering." Now it so chances that the inlets on the Atlantic side of Accomac were a favorite place of recourse to the seventeenth century pirates, and to them and their influence in the community Mr. Wise devotes considerable space. While I am by no means prepared to say that here Gibbons found a sympathetic community and a convenient harbor of refuge and concealment, yet when our Editor comes to dealing with Gibbons and his "aligarto" communings with Governor Winthrop, it will be well to bear in mind the Accomac relations of that adventurous character. In any event, Gibbons appears to have been a large land owner on the Eastern Shore, visiting the Chesapeake on numerous occasions. Interesting letters from him relating to business transactions are found in Mr. Wise's pages.

Subsequently, Francis Makemie, the founder of the American Presbyterian Church in America, became a leading character in Accomac, where his monument now stands. He and it have recently been made the subject of an interesting volume by the Rev. L. P. Bowen, who not only delivered a historical address on the occasion of the unveiling of the Makemie statue on May 14, four years ago, but has since published a volume of Memorials, all connected with the Eastern Shore.[2] Mr. Wise refers to a letter of Francis Makemie, addressed to Increase Mather, and now in our manuscript collections. Cotton Mather makes mention of the trial of Makemie in a letter to Samuel Penhallow, July 8, 1707.[3] As Makemie's letter has an interest in connection with Presbyterianism in Virginia, it is here printed.

[1] *Three Episodes of Massachusetts History*, 354–360.

[2] *Makemieland Memorials; with Eastern Shore Wild Flowers and other Wild Things.* Richmond, Va., 1910.

[3] Mather, *Diary*, I. 599.

## Francis Makemie to Increase Mather.

Eliz. River, Virginia, 28 July, 1685.

Reuerend Sir, — Yours I receiued by Mr. Hallett, with three bookes, and am nott a litle concerned that these were sent to Ashly River were miscarried, for which I hope it will giue noe offence, to declare my selfe willing to satisfy; for there is noe reason they should be lost to you, and far lesse, that the gift should be reiterated, for which I am oblidged to own my selfe your debtor. And assure your selfe, if you haue any seruice in Virginia, to find me ready to receiue your commands. I haue wrote to Mr. Wardrope, and beg you would be pleased to order the safe conveyance thereof into his hands. I haue likewise wrote a line to one *Mr. Thomas Barnet a Minister who liues in S. Carolina, who when he wrote to me from Ashly River told me that next week was to take shipping for N. E.*[1] Soe that I conclude he is with you. But if there be no such man in the Country, lett me letter be returned. I am yours in the Lord Jesus.

Francis Makemie.

Another name connected with the early history of Boston is also found on the Eastern Shore at a place called Occahannock. One Colonel Edmund Scarburgh there residing leased, in 1662, no less than 3000 acres of land to William Bunton, of Boston, for fourteen years, or until his son Edmund should come of age, the rental for the whole period being the large sum of 1200 pounds sterling.

In editing the Bradford, now in press, I noticed several rather curious and interesting passages relating to the production of salt, and the lack of that commodity during the early period of our New England history, with the inconveniences and ills occasioned thereby. It was, I find, much the same in Virginia; and in Mr. Wise's book there is a passage to which our Editor would do well to make reference when he comes again to this subject in the pages of Winthrop. Indeed, a somewhat interesting monograph might be prepared on the production and use of salt in American settlements. I myself, for instance, have a very distinct recollection of no less than two complete outfits for the production of salt from sea-water evaporated by sun-heat, the one on the estate of President Josiah Quincy,

[1] This is probably Thomas Barnet, of whom a passing glimpse is caught in Caulkins, *History of New London*, 195. Wardrope was William Woodrop.

in the town of Quincy, the other on the bay-shore of Hingham. Both outfits were in operation as commercial enterprises down to the year 1845. This was two centuries and a quarter after the early experiences referred to at Plymouth and Accomac; yet the apparatus and methods of manufacture in use in 1840 were of the simplest possible description, consisting of a wind-mill, supplying a number of shallow wooden drying vats. There seems to have been a great want of the staple in the earlier colonial period; though it is not easy to see how the curing of fish, one of the sea-products then most relied on, could have been successfully managed without an abundant supply thereof.

Finally, my brief visit to Accomac and the Eastern Shore of Virginia has led me to suspect that the early history of New England and Massachusetts, as recorded in the pages of both Bradford and Winthrop, cannot be correctly written without an adequate knowledge of the still earlier history of the Eastern Shore of Virginia, and constant reference to its records.

Mr. JUSTIN H. SMITH read a paper on

## THE BIGLOW PAPERS AS AN ARGUMENT AGAINST THE MEXICAN WAR.

About a dozen years after our Mexican War ended, James Russell Lowell wrote, "we had as just ground for it as a strong nation ever has against a weak one."[1] This was to concede the point of equity, for no court of justice takes into account the relative strength of litigants, and, while the weakness of its adversary may require a great power to be forbearing, the plea of mercy does not affect at all its rights in the case. In 1846, however, Lowell believed — as he stated in his Introduction to the second instalment of Biglow Papers — that the war was "a national crime committed in behoof of Slavery," and he did not scruple to use all his wit and ingenuity to make it odious. Partly, no doubt, he justified himself on the principle that any stick is good enough to beat a dog with, and partly his course was due to a modest underestimate of the seriousness with which his efforts would be received. It astonished him,

[1] Scudder, *Life of Lowell*, I. 257.

he confessed in that Introduction, to find that he held in his hand "a weapon instead of the mere fencing-stick" he had supposed. With noble convictions, therefore, but with a somewhat careless aim he laid about him.

Lowell's muse was ambidextrous, and we may look first at the blows dealt in prose. He made fun of our uniform and what he called the "struttin'" of the recruiting sergeant, ignoring the fact that a soldierly costume and bearing are seen in every well-ordered army. The first recruiting sergeant, he said, was the individual mentioned in the Book of Job as going to and fro in the earth, and Birdofredom Sawin was described as "a Yung feller of our town that wuz cussed fool enuff to goe atrottin' into Miss Chiff arter a Drum and fife." It "sartinly is," he declared, "1 of the curusest things in nater to see a rispektable dri goods dealer (deekon off a chutch mayby) a riggin' himself out in the Weigh they [the militia] du and struttin' round in the Reign aspilin' his trowsis an' makin wet goods of himself." But evidently these points counted against defensive as well as aggressive preparations for war, and had no logical bearing on our Mexican difficulty.

Ridiculing the idea that the war was undertaken in order to extend free institutions and the Protestant faith, he went so far as to suggest — on the ground that God could have had nothing to do with a victory (Cerro Gordo) gained on Sunday — that our military success was due to Satan, and hinted that Protestant zeal was always liable to flame whenever papistical Naboths owned the adjacent vineyards. Certainly, however, there was no official pretence that our invasion was a sectarian polemic, — in fact our government did its utmost to prove the opposite; and of course neither the Satanic ascription nor the sabbatarian complaint against our generals was entitled to serious consideration.

The account of B. Sawin, Esq., an American soldier, with Glory was thus put down:

Cr. By loss of one leg, 20; one arm, 15; 4 fingers, 5; one eye, 10; the breaking of 6 ribs, 6; serving under Caleb Cushing one month, 44; total, 100.

Dr. 1/675 of three cheers in Faneuil Hall, 30; do. when a sword was presented to Col. Wright, 25; one suit of clothes (ingeniously unbecoming), 15; drum and fife entertainments for six months, 5;

one dinner after return, 1; chance of a pension, 1; privilege of drawing the long bow during rest of natural life, 23; total, 100.

Here, it will be observed, the sole appeal is to personal self-interest. Sawin, to be sure, was represented as enlisting from a combination of "cussed" folly and hope of selfish advantage; but this does not modify the fact that men are here taught to consider exclusively, in the case of a national conflict, the pros and cons of personal gain. To state the principle is to refute it. Such a view counts as much against a righteous as against an iniquitous war, and everybody is aware of its unfavorable effect in the period of our Revolutionary struggle.

Then Lowell contrived a still more singular bill:

Washington, Sept. 30, 1848, Rev. Homer Wilbur to Uncle Samuel, Dr. To his share in killing, maiming and wounding about 5,000 Mexicans, $2.00; in slaughtering one woman carrying water to the wounded, 0.10; in a bombardment and an assault on Sunday, whereby the Mexicans were prevented from defiling themselves with the idolatries of the high mass, 3.50; in throwing a Protestant bombshell into the Cathedral at Vera Cruz and thus killing several female Papists at the altar, 0.50; in Cash paid for conquered territory, 1.75; in do. for conquering it, 1.50; in manuring it with a new superior compost called "American Citizen," 0.50; in extending the area of freedom and Protestantism, 0.01; in glory, 0.01. Total, $9.87.

Probably Lowell regretted afterwards that he had called American citizens, killed on the field of battle, "compost"; and, as the announced and sternly maintained policy of our generals was to give non-combatants the best possible treatment, it was hardly fair to charge against our administration the case of some possible woman, shot by accident or by the zeal or cruelty of a private soldier. Bombshells do harm whether sent on bad principles or on good, and military men are wounded in the noblest as well as in the meanest of causes. Moreover, to bring up the casualties of the Mexican troops as an argument against our campaign was to beg the question in an aggravated sense, for if ever this incident of all warfare could be ignored, it was precisely in the present instance. A large percentage of the officers opposed to us did not linger on the field or did not

linger long, and the fighting was mainly done by Indian privates and corporals. These men, racially indifferent to pain, had nothing in their lot to soften them or make life pleasant, if we except the sight of religious processions and ceremonies and an occasional over-indulgence in pulque; while on the other hand, as fanatical Roman Catholics, they felt sure of paradise. Death was inevitable, they well knew; and they did not object very much, as in fact they had no reason to do, against facing it in the ranks. The points regarding Sunday, the papacy and the rest demand no comment.

Finally, Lowell makes Parson Wilbur tell us that he chanced to be seated one day at a banquet opposite a "slaughterer" of Mexicans, and then go on as follows: "He was arrayed as (out of his own profession) only kings, court-officers, and footmen are in Europe, and Indians in America. Now what does my over-officious imagination but set to work upon him, strip him of his gay livery, and present him to me coatless, his trowsers thrust into the tops of a pair of boots thick with clotted blood, and a basket on his arm out of which lolled a gore-smeared axe;" all of which applied no less well, of course, to a Washington, a Grant, a Wellington, a Cromwell or a William of Orange.

Let us turn now to the verse, which had by far the greater effect, no doubt. About a month after the Mexican war began, Mr. Hosea Biglow contributed to the world a vernacular poem in which, speaking of "them slave-traders," as he called the "Suthun fellers," he said:

> We must ollers blow the bellers
> Wen they want their irons het; . . .
> But *my* narves it kind o' grates
> Wen I see the overreachin'
> O' them nigger-drivin' States. . . .
> Ez fer war, I call it murder, —
> There you hev it plain an' flat; . . .
> Ef you take a sword an' dror it,
> An' go stick a feller thru,
> Guv'ment aint to answer for it,
> God 'll send the bill to you. . . .
> I dunno but wut it's pooty
> Trainin' round in bobtail coats, —
> But it 's curus Christian dooty
> This 'ere cuttin' folks's throats. . . .

Wen cold led puts daylight thru ye
You 'll begin to kal'late;
S'pose the crows wun't fall to pickin'
All the carkiss from your bones,
Coz you helped to give a lickin'
To them poor half-Spanish drones?
Jest go home an' ask our Nancy
Wether I 'd be sech a goose
Ez to jine ye, — guess you 'd fancy
The etarnal bung wuz loose!
She wants me fer home consumption,
Let alone the hay's to mow. . . .
Wal, go 'long to help 'em stealin'
Bigger pens to cram with slaves,
Help the men thet 's allers dealin'
Insults on your fathers' graves;
Help the strong to grind the feeble,
Help the many agin the few,
Help the men that call your people
Witewashed slaves an' peddlin' crew! . . .
Ef I 'd my way I had ruther
We should go to work an' part, —
They take one way, we take t' other, —
Guess it would n't break my heart.

To review these lines cannot be necessary, but the commentator is bound to comment, I suppose. If a conflict with England had broken out over the fisheries, should we have thought the South justified in holding aloof on the ground that the North, as doubtless was the case, wished to be the dominant section? Is it a fair argument against a war that it is (as a war always must be) more for the advantage of one part of the country than of another? Can we regard the soldier as personally guilty of murder for taking part in a battle? And, even if so, has that principle any more bearing on our Mexican than on our civil war? So far as unpleasant language counted, were not New Englanders and Biglow himself holding their own fairly well? Certainly, to apply the term "slave-trader" to the ordinary planter was not so very much more correct than to call some one else a rumseller because he sent apples to the cider-mill. As for the arguments based on the personal disadvantages of leaving Nancy and the grass and having lead and sunshine projected into one's anatomy, enough has already been said. The seces-

sion policy of the last lines would have but few apologists now, it may be presumed.

Biglow's poem was followed with a letter from Mr. Sawin, now campaigning in Mexico, to this effect:

Nimepunce a day fer killin' folks comes kind o' low fer murder, . . .
But wen it comes to *bein'* killed, — I tell ye I felt streaked
The fust time ever I found out wy baggonets wuz peaked. [He was pricked for defying a sentry and saying his folks were as good as the General's.]
I felt, I swon, ez though it wuz a dreffle kind o' privilege
Atrampin' round thru Boston streets among the gutter's drivelage, . . .
An' it did bonyfidy seem millanyum wuz acomin'
Wen all on us got suits (darned like them wore in the state prison) . . .
The sort o' trash a feller gits to eat does beat all nater
I 'd give a year's pay fer a smell o' one good bluenose tater;
The country here thet Mister Bolles declared to be so charmin'
Throughout is swarmin' with the most alarmin' kind o' varmin'.
He talked about delishis froots, but then it wuz a wopper all,
The holl on 't 's mud an' prickly pears, with here an' there a chapparal;
You see a feller peekin' out, an', fust you know, a lariat
Is round your throat an' you a copse, 'fore you can say, "Wut air ye at?"
You never see sech darned gret bugs, [and one of them almost ran off with Col. Wright.]

Next Sawin tells us how he thought he heard Sol, the fisherman, blow his horn, but presently found a mosquito jabbing him through the leg; and then he complains of the yellow fever and the scorpions.

This goin' ware glory waits ye [he continues] haint one agreeable feetur,
An' ef it warn't fer wakin' snakes, I 'd home agin short meter;
O, would n't I be off, quick time, ef 't war n't thet I wuz sartin
They 'd let the daylight into me to pay me fer desartin'!
I don't approve o' tellin' tales, but jest to you I may state
Our ossifers aint wut they wuz afore they left the Bay-state;
Then it wuz "Mister Sawin, sir, you 're middlin' well now, be ye?
Step up an take a nipper, sir; I 'm dreffle glad to see ye;"
But now it 's "Ware 's my eppylet? here, Sawin, step an' fetch it!
An' mind your eye, be thund'rin' spry, or, damn ye, you shall ketch it!"

Now this is doubtless wonderfully clever and highly diverting. But after all we can hardly afford to sympathize with a soldier disciplined for stark insubordination. It is impossible to endorse the likening of our national uniform to the felon's garb. Nobody regards the hardships of war as a valid excuse for

desertion. It is the proper function of officers (outside the limits of Pinafore) to give commands instead of "nippers"; and a man like Sawin — who not only refused to behave well but proclaimed his social equality with his general — had every reason to expect sharp language.

Next come a few lines from the most famous of the Biglow Papers:

> Wut did God make us raytional creeturs fer,
> But glory an' gunpowder, plunder an' blood? . . .
> The side of our country must ollers be took,
> An' President Polk, you know, he is our country; . . .
> Parson Wilbur he calls all these argimunts lies;
> Says they're nothin' on airth but jest *fee, faw, fum;*
> An' thet all this big talk of our destinies
> Is half on it ignorance an' t' other half rum;
> But John P.
> Robinson he
> Sez it ain't no sech thing; an', of course, so must we.

Here we observe a humanitarian attack on war as war with which all must sympathize, but we fail to perceive that it proves our case against Mexico unfounded. Not only Polk but Congress authorized and supported the hostilities, and in this way the nation as a whole was lawfully committed; and how an American citizen could attribute to ignorance and liquor all regard for our future it is hard to see.

> I du believe wutever trash
> 'll keep the people in blindness, —
> That we the Mexicans can thrash
> Right inter brotherly kindness.

This is another plausible view that does not bear examination very well. As competent foreign observers — for example, the ministers of England, France and the United States — agreed, the Mexicans were almost insanely vain. They regarded themselves as a most brave and martial race, and looked upon us as a horde of spiritless money-grubbers. Besides, while they recognized our superiority in wealth and numbers, they believed their deserts, mountains, yellow fever and stormy coasts made their country almost invulnerable; they considered us too penurious to pay war taxes for any great length of time; they strongly doubted whether North and South could be united

against them; they entertained the idea that England would never permit the United States to conquer them; and they felt sure that in the use of privateers they had a weapon of almost decisive power. Moreover their diplomats, frequently cleverer than ours, too often cajoled and outplayed us. For all these reasons combined they mainly attributed our forbearance to helplessness, and therefore it was practically impossible to obtain a settlement of our claims and a general good understanding without first shaking them out of their vanity and self-confidence and giving them a proper sense of values. So the American representatives at Mexico frequently insisted, and the soundness of this view is confirmed by the fact that after the war the Mexicans were decidedly more civil and friendly to us than before it. To a remarkable extent we really did "thrash" them "right inter brotherly kindness."

Finally, we hear again from Sawin, still in Mexico, who tells us about losing the various members enumerated in his account with Glory and then goes on:

> I thought the gold-mines could be gut cheaper than china asters,
> An' see myself acomin' back like sixty Jacob Astors;
> But sech idees soon melted down an' did n't leave a grease-spot;
> I vow my holl sheer o' the spiles would n't come nigh a V spot.

One day, Sawin complains, I almost die of thirst, the next am nearly drowned; months pass without rain, and then come storms like the emptying of a woman's teapot.

> The cons'quence is, thet I shall take, wen I 'm allowed to leave here,
> One piece o' propaty along, — an' thet 's the shakin' fever; . . .
> But then, thinks I, at any rate there 's glory to be hed, —
> Thet 's an investment, arter all, that may n't turn out so bad;
> But somehow, wen we 'd fit an' licked, I ollers found the thanks
> Gut kin' o' lodged afore they come ez low down ez the ranks;
> The Gin'rals gut the biggest sheer, the Cunnles next an' so on, —
> *We* never gut a blasted mite o' glory ez I know on;
> An' spose we hed, I wonder how you 're goin' to contrive its
> Division so 's to give a piece to twenty thousand privits; . . .
> We git the licks, — we 're jest the grist that 's put into War's hoppers;
> Leftenants is the lowest grade that helps pick up the coppers.

At least, continues our hero, we expected to revel in the halls of Montezuma, but

> *We* never gut inside the hall: the nighest ever *I* come
> Was stan'in' sentry in the sun (an', fact, it *seemed* a cent'ry)
> A ketchin' smells o' biled an' roast thet come out thru the entry,
> An' hearin' ez I sweltered thru my passes an' repasses,
> A rat-tat-too o' knives an' forks, a clinkty-clink o' glasses; . . .
> The on'y thing like revellin' that ever come to me
> Wuz bein' routed out o' sleep by thet darned revelee.

Such were the Biglow Papers as they related to our present subject. They embodied a very incorrect view of the genesis of the war, undervalued the Union, belittled the destiny of the nation, made light of authority both military and civil, encouraged a disintegrating sectionalism, pointed with scorn at our national uniform, and appealed to a narrow self-interest wholly incompatible with good citizenship either in war or in peace; and the black and sticky ball of odium thus accumulated was hurled most skilfully, with a noble intention but somewhat inconsiderate zeal, at the Mexican war.

How much influence, now, did the Papers have? That question is answered in part by the fact of their evident adaptedness to the free, shrewd, practical and peaceable spirit of the New Englanders; it is answered again by Lowell's remark that he found a sword in his hand; and it is answered further by the extraordinary vogue of the poems. On all sides they were read, re-printed, copied and quoted; men pinned them up in their shops to con over while at work; and when they came out in book form, the first edition — 1500 copies — went off in a week. All this appears to show that many people accepted their views, for the general public would not have read them to any great extent for mere literary amusement. Expressed in witty and homely phrases and seen in print, ideas natural to our citizens and no doubt half-consciously formed in many brains acquired almost the validity of gospel. Other voices, more argumentative but less effective, joined with Lowell's. Anti-slavery convictions and sympathy with the "under dog" co-operated. Our apparently aggressive military operations near the Rio Grande, seen through a discolored atmosphere, had an influence of the same kind; and the natural result — at least in this quarter — was a hot and wide-spread feeling against the war.

Such a sentiment perpetuates itself and grows venerable

with age; and moreover it sweeps into its train men capable of seeing things with greater clearness. In this instance whoever desired to reach the popular ear — the editor, the politician, the author and even the preacher — had to accept the state of the public mind or at any rate compromise with it. After the war ceased to count in politics, it was not especially for any one's interest to defend it; and thus a traditional sentiment of a strongly unfavorable tone became established.

Mr. FORD submitted the following bill of complaint of Andrews and Sherley, and the answer of Sherley in a Chancery suit to compel an accounting for the joint adventure in the affair of New Plymouth. The papers are not complete, but serve in their present condition to give some light on the differences which arose among those English partners. The documents are in the Public Record Office, *Chancery Bills and Answers*, Charles 1. A. 39: 51, 15 February, 1640–41.

To the Right honorable Sir Edward Littleton
knight Lord Keeper of the Great Seale of England.

In all humblenes Compleyneing sheweth unto your good Lordshipp your daylie Oratour Richard Andrewes and John Beawchampe Cittizens and Marchaunts of the Cittie of London That whereas in or aboute the yeares of our Lord one thousand six hundred Twenty Five Twenty six and Twenty Seauen there was a treaty and Communičacon had between your Orators and one James Sherley Cittizen and Goldsmith of the said Cittie of London Concerning there joining together to mainteyne a trade and aduenture with the Gouerner and the rest of the parteners of Plymoth plantačon in Newe Englande The which proceeded soe farr as that itt was att last fully concluded and agreed uppon by and betweene themselves and the said James Sherley that they and each of them should aduenture and putt into stocke to the purpose aforesaid the some of Eleauen hundered poundes or thereaboutes apeece and that the said James Sherley should receiue and dispose thereof in and about the managing of the said trade and adventure and should be sole Factor and Agent in the said Trade and Aduenture as well for your Orators as himselfe in all respectes Concerning the same boeth for receiptes of the said stockes heere and layeing out and dispose thereof as . . . in the said busines and for the receiptes salle and disposall of all goods Comodities and retornes whatsoever in what kinde soeuer the same

should be as should any waie be retorned had or made from the saide Newe plantac̃on in new England in the . . . aduenture and to make and to giue to your said Orators euery yeare dureing the said Trade or att thende and expirac̃on thereof A just and true Accompte for the same and euery parte thereof, and from time to time when as any thing should be due to your Orators should instelye and truely paie the same to your Orators and either of them theire and euery of theire Agentes or Assignes and that for that purpose the said James Sherley should from time to time keepe A iust and true booke of Accompte of the said Jointe trade and of all his dealeinges and . . . passages and proceedeinges toucheing or Concerninge the said trade which he should from time to time produce and shewe forth unto your oratours or either of them whereby your oratours might be setisfied touching the said premisses and concerning his said dealeinges therein, And thereupon your Orators notheing doubteing but that the said James Sherley would have performed the same to and with your Orators accordeing to many faithfull promisses and protestac̃ons by him made in that behalfe and to and for the purpose aforesaid your Orator Richard Andrewes did . . . paie and deliuer to the said James Sherley the some of Eleauen hundred Thirtie and six poundes of good and Lawfull money of England or thereaboutes for his said share And parte of the said Aduenture and to be imployed by him in such manner as aforesaid and that your said Orator John Beawchampe did alsoe and in like manner aboute the time aforesaid paie and deliuer for his said share to him the said James Sherley to and for the purpose aforesaid the full some of Eleauen hundered Twenty and seauen poundes of like lawfull money or thereaboutes And the said James Sherley pretended that hee did alsoe add the some of Eleauen hundered and Nyntie poundes for his said share or thereaboutes to your Orators said money for the mayntenance of the said Trade and as a joint stock to be imployed as aforesaid (the truth whereof that is to saie whether the said Sherley did add any such or any other some of his owne to your Oratours moneyes as aforesaid your Orators did not knowe.) And the said James Sherly dureing the Continuance of the said trade or Adventure being aboute Fower or Five yeares togather did according to the said Agreement and uppon his promise of makeing accompte and payement and of keepeing iust bookes of his dealinges and proceedinges as aforesaid imployd the said money and . . . all the whole retornes profitt benefitt and proceed thereof made either in beauer skinnes Otter skinnes and other skinnes or otherwise or of all other Comodities made and retorned from the said newe plantacon amounteing to the some of Twelue or Thirteene T[housand]

poundes and diuers of the said goodes and skines the said James Sherley hath sold and Conuerted to his owne use and some other parte thereof hee the said James Sherley hath sold and taken security for the same of and from seuerall persones unknowen unto your Orators of all which . . . their said seuerall stockes and Aduenture aforesaid and of the returnes profitt benefitt and proceed thereof and euery parte thereof and how and in what manner hee the said James hath disposed and imployed the same your said orators and either of them are and ought to have a iuste and true accompte of and concerninge the said premisses and are and ought to have their iust and due shares and partes thereof And the said James Sherley is or ought acording to his said promise and agreement to give and render your Orators a iust and true accompt of all his dealinges and proceedinges in the aforesaid premisses and to produce and shewe forth his notes and bookes of accompte of and Concerning the said premisses whereby the truth of the said premisses may and might the more playnelie and Cleerely appeare which to doe your said orators and either of them haue seuerall times Required and demaunded the said James Sherlie. But nowe soe itt is may itt please your honorable good Lordshipp that the said James Sherley haueing receiued your Orators said stockes and haueing likewise . . . time taken had and receiued all the said retornes proffitt and proceed thereof and euery parte and parcell ther of as aforesaid and well knoweing that your Orators by the stricke rules of the Common Lawes of this Realme could not nor Cannot compell the said James Sherley to produce or shewe forth his said bookes or notes of Accompte or to come and giue your orators A iust and true accompte of and Concerning your Orators said Stockes and the profitt benefitt and proceed thereof in respecte your Orators cannot make such a iust proofe of the deliuery of their said Stockes or of the Certaine parcelles and quantities of Beauer and other skinnes and Commodities as from time to time dureinge the said ioynte trade and Aduenture came to the handes and dispose of James Sherley or any other by his appointment or priuity and the wittnesses that should make proofe thereof are many of them deade or the other gone to places remoate and beyond the seas soe that your Orators cannot finde them to make use of their testimonies in this behalfe as the Lawe in this case requireth And thereupon hee the said James Sherley well knoweing the premisses to be true in such manner as the same doeth are herein before sett forth did and nowe doeth with intent to defraud and deceive your Oratours of their iust and due parteis and shares of the said premisses and out of a Couetioues disposic̃on to gaine the same himselfe deny and refuse to shewe or produce his

said bookes or notes of accompte wherein hee likewise hath latelie Caused seuerall thinges to be altered or amended to the prejudice of your orators and likewise doeth refuse to come to an accompt with your Orators or either of them for the said premisses or any parte or parcell thereof or to paie or giue your orators their said partes or any parte of the said retornes profitt proceed or benefitt thereof or of any parte thereof dureing the Continuance of their said trade butt uniustly and unconscionably upon many false and fained pretences detayneth the same and euery parte and . . . thereof to your Orators greate damages Contrary to all equitie and iustice although hee the said James Sherley hath often in a freindly and loueing manner bein thereunto required as aforesaid but insteed of giueing or makeing your Orators an accompte of and concerninge the said moneyes he the said James Sherley hath often and in a vyolente manner giueing out speeces that hee the said James Sherley will first dye and rott in prison before hee will giue your orators or either of them any accompte concerninge the said premisses any parte thereof or make payment of any parte or parcell of your Oratores said iust dues aforesaid although the said James Shereley hath by noates under his hande and otherwise acknowledged great somes of money to be due to your Orators and either of them out of and by the said seuerall stockes trade aduenture and premisses aforesaid And the said James Shereley intending further to defraud your Orator Beauchamp did about Fiue years since request and perswade your orator John Beauchampe to disburse and laye downe ouer and above his stocke and proceed aforesaid the some of Fiue hundered poundes to the seuerall persones hereafter . . . for and concerninge the said Trade and aduenture either for payment of debtts in the said trade and aduenture or otherwise vizt Twoe hundered poundes to one Robert Hudson and twoe hundered poundes more to one Peeter Bul[teele] one hundered poundes more to one Dericke Hoaste which your Oratour John Bewchampe accordingly did iustely and truley disburse and paie to the said parties upon the faithfull promise and agreement of the said James Sherley [that] he the said James Sherley would then forthwith and before hee paid and deliuered any parte of the said stockes or the proceed thereof either to himselfe by defalcac̃on otherwise to any other person whatsoeuer to repaie the same with . . . the forbearance thereof ontill the tyme of payment thereof the which likewise to doe or paye the said James Sherley hath refused and doth utterley refuse to pay although he the said James hath also been thereunto required . . . Sherley contrary to his said Agreement and promise hath long since as hee himselfe hath giuen out in speech taken out his said stocke

and proceed profitt and benefitt thereof amounteing to a greate value All which . . . Sherly and contrary to all right equity and good conscience In tender consideracõn of all which premisses and for as much as your Orators by the stricte rules of the Comon lawes of this Realme are and be quite remedilesse unless . . . as well for the reasons aforesaid manifestlie appearing as also for that your Orators cannot proue the payment of the aforesaid seuerall some and somes of money in such manner and forme hee should nor can thereby enforce the said James Sherley to come or giue . . . of or Concerninge the said premisses nor hath any meanes thereby to discover the truth of all and singular the aforesaid premisses or howe or in what manner hee hath disposed or layd out the said Joynt stocke or what proceed or benefitt hath been had or made thereof . . . that the said James Sherlie being by equitie thereunto called will confess and acknowledge the truth of all singular the aforesaid premisses wherby your orators shall and maye be relieued therein accordeinge to equitie and good Conscience to . . . said James Sherlie may particularlie and presisley sett downe and discouer whether your orators and either of them did not heretofore pay into his the said Sherleyes handes such seuerall some and somes of money as aforesaid to and for such intentes and purpose . . . such Agreement as aforesaid or what intent and purpose the same were paid or what or how much money your said orators or either of them did paye into his the said Sherlies handes to be used or imployed in such manner as aforesaid and . . . hee had or receiued the same one that the said James Sherley may sett forth what or how much money hee did add of his owne to the said Joynt stocke and may truly and particularly sett forth how and in what manner hee hath imployed the said money . . . thereof and what retornes or quantities of Beauor Skinnes or any other skinnes goodes or comodities hee or any other person by his privitie direction or to his use haue or hath had or receiued from the aforesaid plantacõn in Newe England . . . reason of the said moneyes or any parte thereof or what other profitt or proceed thereof he hath at any time heretofore any waies had or made of or by reason of the said moneyes or adventure and howe and to whome he hath sold . . . Comodities . . . or any parte thereof and for what or how much and upon what securities and what and how many of the said goodes or skinnes or other proceeds he hath converted to his owne use and may likewise sett forth whether he did not . . . *direcion to paie the seuerall somes of 200 *li.* to Robert Hudson and 200 *li.* to Peeter . . . Hoste or anie or either of them* and whether he did not agree and promise to

* These words are interlined; the caret mark indicating their proper position is not visible.

repay the same unto your oratour as aforesaid and that he may sett forth whether hee did not keepe some notes writteinges bookes of accomptes of and concerning his said dealinges and proceedinges . . . and of the particulars of the seuerall retornes and quantities of Beauer Skinnes and other skinnes or goods which hee had received as aforesaid and that hee may shewe forth and produce the same unaltered upon his oath and may . . . orators and either of them a iust and trew accompte of all his said dealinges and proceedinges aforesaid and may giue and paie your orators and either of them their iust and true shares and partes of the said Aduenture . . . with damages since the same ought to have been paid and maye make a full and perfect Aunswer to all other and singular the afore said premisses wherby your said orators may be receiued therein accordeing . . . and that your orator maye be releiued in the premisses May itt therefore please your good Lordshippe the premisses considered to graunte unto your Oratores his Majesties most gracious writt of subpena to be directed to the said [Sherly] Comandeing him thereby att a certaine daye and under a Certaine paine therein to be limited personally to be and appeare before your good Lordshippe in the high and honorable Courte of Chauncerey then and there . . . premisses and further and to stande to and abide shuch further order and direction therein as your Lordshippe shall thinke most fitt and Convenient and your Oratores shall daylie praye for your good health and . . .

BOWYER.

Jur. xxx Martii 1641
Ro: RICHE [signed: — ? Colchester.]

The severall Answere of James Sherley defendant to the bill of Complaynte of Richard Andrewes and John Beauchampe Complainantes.

The said defendant savinge to himselfe nowe and at all tymes hereafter all advantages and benefitt of excepc̃ons to the incerteyntie and insufficiencye of the sayd Complainantes bill For a full and perfect answere thereunto or to soe much thereof as concerneth him this defendant to make answer unto hee saith That the said Richard Andrewes (named for a Complaynant in the said bill) liveth at Rotterdam in Holland And saith that the sayd Richard Andrewes before he went over to Rotterdam aforesaid told this defendant that the said Complainant John Beauchamp had spoken to him the said Andrewes to ioyne with him in suite against him this defendant but he the said Andrewes refused and would not ioyne with the said Complainant John Beauchampe And therefore this Defendant doth

verely beleeve that if the said Richard Andrewes knewe that the other Complaynant John Beauchamp did make him the said Andrewes a partye to this suite he the said Andrewes would take it very ill there beinge noe cause at all wherefore the sayd Complainantes should putt this defendant to the trouble and expence of a sute For first this defendant absolutely denyeth that ever there was any such agreement made by with or amongst the said Complainantes or either of them and him this Defendant of putting in such a stocke or aduenture of 1100 *li.* a peice menc̃oned in the bill or any other some whatsoeuer for the purpose in the bill mentioned for both they the said Complainantes and alsoe this Defendant were at seuerall tymes sollicited and drawne into the adventure at the earnest perswasion of one Isacke Allerton Agent for the planters of Plymouth in Newe England menc̃oned in the Bill And for that end the said planters gave the said Allerton Commission under their handes and seales and writt and gave letters of creditt that what the said Allerton tooke up or procured they tyed themselves to allowe and make good and when the said Allerton had gotten in this Defendant and the Complainantes largely in adventure and in ingagementes the said Allerton told this defendant and the said Complainantes that all would bee lost if this defendant and the said Complainantes did not enlarge their adventures by puttinge in greater somes of money And this defendant denyeth that it was ever agreed or that he consented or undertooke to bee factor or agent for the Complainantes in the said adventure or for any other but only for the said Planters in theyre Agentes absence the said Planters havinge their husband Agent or Factor here or sent one over from tyme to tyme as they had occasion whoe did or should have bought such goodes as the said Planters gave order for and usually the said planters gave their said Agentes Commission under theyre handes and sometymes handes and seale of the towne for that purpose to authorise him for theyre Agent which this Defendant never had And for the Receiptes and sale of any of the goodes the said Planters they sent over theyre then Agent Isack Allerton whoe had the full power of buying selling and receavinge the same from the year 1626 to the yeare 1631 only they had the use of this defendantes house and warehouse and sometymes desired this defendant to receaue and paye forth theyre Moneyes which hee did for them of all which receiptes and paymentes this defendant (by and with the helpe of the said Isaacke Allerton the said Planters Factor or Agent) did make and deliver unto the said Isaacke Allerton on theyre behalfe a true and iust account in writeinge and delivered a copie thereof unto one Edward Winslowe a Planter and at that tyme was also the generall husband Factor or

Agent for the said plantacon in the room and place of the said Isaacke Allerton And in that account which this defendant thinketh beareth date the xvjth of March 1631 it did appeare that this defendant was really and truly out of purse the full some of 1866 *li.* 3*s.* 4*d.* only hee then accepted with provisoe in case they were receaved by way of discount certayne debtes that were then oweinge to the said Planters to the value of 675 *li.* 14*s.* 7*d.* which being deducted out of the aforesaid some of 1866 *li.* 3*s.* 4*d.* there remaynes as debt due to this defendant the some of 1190 *li.* 8*s.* 9*d.* And then upon the said account makinge this defendant gave unto the said Complainantes a note of what hee conceaved either of them were out of purse which amounteth to the some menconed in the bill or thereaboutes but before the makeing of such note this Defendant shewed to the Complainantes a note of some particulars to have them rectifye what they should finde amisse concerninge the said Account which the said Complainantes to this defendantes best remembrance did not doe and this defendant denieth that he receaved soe much money of the said Complainante John Beauchampe for the said busines and adventure as is menconed in the bill but only the some of 527 *li.* 4*d.* And further the said defendant denyeth that there was any agreement betweene him and the said Complainantes or that he undertooke to bee Factor or Agent for the said Complainantes or either of them as before is set forth but what he did was for the said Planters and at their earnest request for he often desired the said Planters and their Agent by word of mouth and by letters to make Choice of some other for it was too great a burthen for him to undergoe for that in the yeare 1633 this defendant sent the said planters an abstract or breviat of the accomptes betwixt the said planters and this Defendant by which it appeared that this Defendant was out of purse for the said planters 1200 *li.* and upwardes more then his said Adventure before the planters commodityes which they returned into England could bee sold and the money gott in for the same And had it not beene for the deepe ingagementes of this Defendant and the earnest request of the said Complainantes he would have long agone left the said busines And this defendant denieth that (to his knowledge or remembrance) hee ever made any promise or agreement to and with the said Complainantes for keeping any account for them for what hee did was only for the said planters and to them hee is ready to give an Account of any thinge he hath receaved or done as hee formerly did in the yeares 1623 and 1631: provided the said Planters or their Agentes or some other deputed by them doe make a just and particular account of the imployment and proceed of the said adventures for this defendant saith hee con-

ceaveth it is the said planters parte to render an account to them this Defendant and the said Complainantes and not the Complainantes and this Defendant to account one to another for it was alwayes taken and conceaved that the planters were on party and this defendant and the said Complainantes the other And this defendant further saith that what hath beene receaued upon the account betwixt the planters and this Defendant hee this defendant cannot sett downe till the said planters or theyre Agent and this defendant have conferred or compared theyre notes together and then hee shall bee ready and willing to shew the said Account or anythinge else that concerneth the said adventure to the said Complainantes And this Defendant denieth that hee hath converted to his owne use or sold away any of the goodes or skynnes or any other Commodityes which hee hath at any tyme receaved from the saide planters but what hee will bring to their account And he further saith that hee doth not remember that ever hee sold any parcell of skynnes or other goodes of any value since the makinge of his last account to the planters, but hee acquainted the said Complainantes or one of them with the sale thereof and desired his or their advise, and most commonly tooke the bills or bondes entred into for such goodes in the names of the said Complainantes and this defendant ioyntly and the said Complainantes never seemed to dislike any thinge that this defendant did in the busines however there is but a debt of twelve poundes or thereaboutes concerninge the said account which this defendant thinketh to bee desparate and for that there is a bond to bee delivered to the said planters upon makinge upp of the sayd account And this Defendant is soe ready and willinge to come to an account with the said planters that hee hath often writt unto the said planters and their Agent Factor or husband to come or send over that soe all accountes might bee made up and finished betwixt them And further this Defendant saith that hee hath offred (as by copies of letters hee can make appeare) that if they desired it hee would give them a meeting in any place in England France or Holland that soe all accountes concerninge the saide adventure might be settled for this Defendant affirmeth that in making upp both the said former accountes hee had from tyme to tyme the helpe of the said planters agent whoe for the most parte did mannage all the busines here both in buyinge and sellinge And they have delivered in this Defendant severall notes for commodityes bought, in which other men had partes soe as hee cannott tell iustly what to charge on their Account without theire assistance by reason whereof hee keepes the notes, but hath not nor cannott booke them And likewise the beaver and other skynnes which they sent over other planters

(some whereof had noo share in the said Adventure) had seuerall parcells thereof delivered them some by theyre Agent and some by letter so as this defendant cannott iustly sett forth what was receaved but by and with theire helpe and assistance And whereas the Complainantes alleadge in their bill that hee this defendant intendeth to deceave and defraud them of their dues hee this defendant denieth that hee hath any such intenc̃on neither is it in his power soe to doe but in the said planters which hee is perswaded they will not for hee doth verily thinke and hope that when all accountes are drawne upp and ballanced betwixt the planters and this defendant that the said planters will be much in this defendants debt as they were when both the former accountes were made upp and this defendant denieth that hee ever altered any notes or bookes of Account as is most falsely pretended by the said Bill whereby the Complainantes might bee any way wronged or damnifyed And further this defendant confesseth that hee hath and doth refuse to account with the said Complainantes because as before is sett forth hee is not lyable to give an account for any thinge receaved or done by him to any other but to the said planters hee havinge not receaved any thinge to inlarge the Complainantes said adventure since the tyme of the makinge of the said last account which was in the said yeare 1631 from any other person or persons but from the said Planters And what is due unto the said Complainantes or him this defendant the planters are to make good rateably as their severall debtes or adventures doe arise For if this defendant had any surplus of money as in the bill is surmised which hee verily beleeveth he hath not (but that the said planters bee much in his debt) hee conceaveth he might not safely pay it to any person or persons without order and direc̃on from the said planters And the said defendant saith as before that upon the makeing upp the account unto the said planters in the said year 1631 upon the changing of their Agent or Factor from Isaack Allerton to Edward Winslowe which was in March 1631 hee gave the said Complainantes voluntarily and freely without any demaund made by either of them a note out of the account which hee delivered to the said planters or theire Agent of what hee conceaved the said planters owed either unto the said Complainantes or to this defendant by reason of the said adventure, the true copie whereof hee hath still to shewe and the Complainant Beauchamp hath another copie alsoe as this defendant verily beleeveth whereby it appeareth that the said planters were debitors to the said Complainantes and to this defendant and not this defendant a debitor to either of the said Complainantes or to any of the planters soe as under the faver of this honorable

Court hee conceaves it very unconscionable and uniust for the said Complainantes to require that of this defendant which in their owne consciences they know hee is not to bee accountable for For what some or somes the Complainantes did at any time lay forth or expend in and concerninge the said Adventure was for the said-planters and not for this defendant as is falsely surmysed in the said Bill And this Defendant saith and confesseth that hee and the Complainantes John Beauchampe were bound in severall bondes together to Mr. Hudson Mr. Buttell and Mr. Host for 600 *li.* but hee doth not remember that hee requested the Complainant John Beauchampe to pay Robert Hudson the said 200 *li.* as is alleadged in the bill nor knowne that it was paid till he the said Complainant Beauchampe brought him a note of the interest money which this defendant paid to him accordingly And as for the debt of 200 *li.* to Peter Bullteele this defendant thinketh hee desired the said Complainant Beauchampe to laye it downe till moneyes could bee receaved in and concerninge the said Adventure, but this Defendant paid the interest and soone after in January 1631 hee deliuered unto the said Complainant three specialtyes of one Walter White amountinge to the some of 234 *li.* And this Defendant saith that hee and the said Complainant Beauchampe layd downe 100 *li.* a peice to pay Derricke Host his debt but all the . . . this Defendant paid from tyme to tyme notwithstandinge this defendant did then make it appeare to the saide Complainantes and soe the truth is that hee this defendant was raally out of purse for the said planters the some of 480 *li.* and upwards because the yeares 1635 and 1636 were so sickly in and about London that this Defendant could not sell the planters commodityes nor receave in debtes then oweinge them And this defendant saith he hath heard by credible report that the said planters have since sent the Complainantes over commodityes for their further satisfaccon and deliuered some in newe England by their or one of their appointment and therefore this defendant hath done noe wronge to the Complainant Beauchampe as is falsely suggested in the Bill but beleeveth hee is fully satisfyed the foresaid somes And this defendant doth absolutely deny that ever hee gave out in speeches that hee had taken out his stocke debt or profitt but wisheth hee could truely have said soe but now and as before in this his answer hee saith that he doth verily beleeve that upon makinge upp of the Accountes it will appeare that the said Planters are still much in this Defendantes debt and more then they are indebted to either of the said Complainantes by reason of the said planters late sendinge and settinge over goodes unto the said Complainantes towardes satisfaccon of their debtes And this Defendant saeth hee doth verily beleeve the

Complainant John Beauchampe did not deliver such somes of money toward the adventure as is specifyed in the said Bill for that the said Planters Agent Isaacke Allerton did take some excepc̃ons against the some putt in by the Complainant Beauchampe at or about the tyme that this defendant deliuered upp the Account to the said Allerton in regard to the some putt in by the Complainant Beauchampe did appeare to bee but 777 *li.* or thereaboutes And this defendant saith that what skynnes goodes or commodityes were sent over from Newe Englande into this Kingdome were sold and the proceed retorned backe in divers other Comodityes which for the most parte the said Planters Agent bought or else towardes payment of Bills of Exchange debtes and interest for the same for the said Complainant Beauchampe and this defendant were ingaged to seuerall men for great somes besides theyre owne adventure soe as when this defendant made upp the foresayd Account in Anno 1631 the said planters were indebted to severall men above five thousand and nyne hundred poundes which this Defendant hath since endeavoured to pay as much as in him lay soe as what gaynes or profitte hath beene made must come from the said Planters which what it is this Defendant would as fayne knowe as the Complainantes but saith he doth not knowe nor indeed cannot knowe till the said planters and this defendant have mett together or they have made upp theire Account which when it comes to his hand hee shall willingly shewe to the said Complainantes In the meantyme hee denyeth that he deteyneth any part of the Complainantes share or profitte in his this defendantes handes or custody to his knowledge as is surmised in the said Bill of complaynt And further this Defendant saith that he cannot finde by any former Account that ever the said Complainant Beauchampe paid in soo much money as is specifyed in the said Bill or Note made by the said defendant for there . . . any agreement or contracte made betwixt the said Complainantes and him this Defendant nor betwixt the said planters and the said Complainantes and him this Defendant what some should be putt into the Adventure by them or either of them but the adventure was voluntary and each of them might adventure more or lesse as they pleased For the planters did not furnish any stocke or adventure but the most part of the . . . defendant as hee hath above expressed as the said planters at severall tymes in theyre letters have acknowledged and what the Complainant Beauchampe is out of purse in and about the adventure this defendant cert . . . saith that the planters Agent Isaacke Allerton setts down but 777 *li.* 4*d.* as this defendant hath to shewe of the said Allertons writeinge as hee verily beleeveth And this defendant saith that in March

1630 he made . . . to Isaacke Allerton the Planters Agent hee being then at Bristoll and this defendant then desired the Complainant Beauchampe to give him a note howe much hee was out of purse for all did not come to the . . . as he could not make upp the Complainantes accompt neither then nor nowe and then the Complainant delivered this defendant a note in generall that hee was out concerninge the said adventure 1086 *li.* 18*s.* 7*d.* and from that . . . hath this defendant ever since made upp the said Beauchamps debt or some adventured but how true that note which the Complainant Beauchampe soe deliuered to this Defendant was this Defendant knoweth not nor the seuerall . . . but how much this Defendant hath upon his owne adventure he hath sett downe before and the bookes and former account will iustifye A copie whereof was delivered to the said Planters or theire . . . thereof and for the retornes and proceed from the said Planters it will appear when the accomptes bee made upp betwixt the said Planters and this defendant And as for the convertinge of . . . hee this defendant saith that when the Planters commodityes were sold and money receaved for the same he might perhaps use some part thereof for his owne occasions as hee had often lent . . . great somes to supply theyre occasions and many tymes he lent to the Complainant Beauchampe some of the Planters money hee havinge done often the like to them and sometymes . . . other freindes which he is lyable to make good to the said Planters upon account without that that any other matter or thinge in the said Bill of Complainant conteyned materiall . . . this Defendant to answer unto and not herein sufficiently answered unto confessed and avoyded trauersed or denyed is true all which matters and thinges this Defendant is ready to . . . honorable Court shall award And humbly prayeth to bee dismissed out of the same with his reasonable costs and charges in this behalfe wrongfully and without cause . . .

## The Case of Sims.

The following is taken from Mr. Greenough's collection:

Know all men by these presents that we Thomas Sims of Boston in the County of Suffolk as principal, and Charles G. Davis, Ellis G. Loring, Samuel E. Sewall, Wendell Phillips, Lemuel Gilbert, and Francis Jackson, all of said Boston, as sureties, are holden and firmly bound unto Charles Devens of Boston in said County of Suffolk, Esquire, in the full sum of three thousand dollars to be paid to the said Devens his executors administrators or assigns, to which pay-

ment we bind ourselves our executors, administrators and assigns firmly by these presents. Witness our hands and seals this fourth day of April A. D. 1851.

The condition of this obligation is such that whereas the said Sims has this day sued out from the court of Common Pleas for the County of Suffolk a writ of personal replevin against Charles Devens Esquire of said Boston, returnable to the Court of Common Pleas next to be holden in Boston on the first Tuesday of July next within and for the County of Suffolk, if the said Sims shall appear at said court to prosecute said writ of replevin against the said Charles Devens, and shall have his body there ready to be re-delivered, if thereto ordered by the court, and shall pay all such damages and costs as shall be then and there awarded against him, then this obligation is to be void, otherwise to remain in full force and virtue.

| | | |
|---|---|---|
| Signed sealed and delivered in presence of, the word Devens over over the twelfth line being first inserted, | Thomas his × mark Sims | [Seal.] |
| RICHARD HILDRETH. | CHARLES G. DAVIS. | [Seal.] |
| JOHN MERRILL, to sig. C. G. Davis. | TIMOTHY GILBERT. | [Seal.] |
| LUTHER A. HAM. | S. E. SEWALL. | [Seal.] |
| | WENDELL PHILLIPS. | [Seal.] |
| JOSEPH D. COBURN | ELLIS GRAY LORING. | [Seal.] |
| Witness to signatures two last. | FRANCIS JACKSON. | [Seal.] |

Commonwealth of Massachusetts.

Suffolk ss.

To the Sheriff of our County of Suffolk or his deputy or either of the Coroners thereof, Greeting:

We command you that justly and without delay, you cause to be replevied Thomas Sims of Boston, colored who, (as it is said) is taken and detained at the Court House in Court Street within our said County, by the duress of Charles Devens of Boston, Esq. that the said Sims may appear at our Court of Common Pleas next to be holden at Boston, within our county aforesaid, then and there in our said Court to demand right and justice against the said Charles Devens for the duress and imprisonment aforesaid, and to prosecute his replevin as the law directs:

*Provided*, the said Thomas Sims shall, before his deliverance, give bond to the said Devens in such sum as you shall judge reasonable,

and with two sureties at the least, having sufficient within your county, with condition to appear at our said Court to prosecute his replevin against the said Devens and to have his body there ready to be redelivered if thereto ordered by the Court; and to pay all such damages and costs as shall be then and there awarded against him. Then and not otherwise are you to deliver him. And if the said Sims be by you delivered at any day before the sitting of our said Court, you are to summon the said Devens by serving him with an attested copy of this writ, that he may appear at our said Court to answer to the said Sims.

Witness Daniel Willis Esquire at Boston the fourth day of April in the year eighteen hundred fifty one.

JOSEPH WILLARD, *Clerk.*

Suffolk ss. April 5th 1851.

By virtue of the within writ I have at two different times on this day, demanded of the within named Charles Devans Esquire United States Marshall, the surrender to me and the delivery of the within named Thomas from duress and imprisonment; at the same times presenting to the said Devans this writ with the annexed bond of the said Sims with sureties in the sum of three thousand dollars, but the said Devans refused to deliver the said Sims from duress and imprisonment claiming to hold him the said Sims by virtue of legal process, to him directed as the United States Marshall for the district of Massachusetts; and the said Devans at the time of the last above mentioned demand, by me made upon him for the delivery of the said Sims from duress, said that he had him the said Sims in his custody, and if I in the service of this writ should attempt to take the said Sims from [hi]m the said Devans, he [the] said Devans should interpose such and so much forceable resistance as would enable him to retain the said Sims in his custody; and I further return that at the time of said demands the said Devans had as he informed me, under his control a large number of men placed in and about the Court house in Boston where I understood the said Sims to be confined, as his assistants and as I wa[s] informed, to prevent the said Sims from being taken from his custody. I therefore for the reasons herein before stated r[eturn] this writ without delivering the said Sims from d[uress and] imprisonment and without service.

DANIEL J. COBURN, *D. Sheriff.*

Some time during the month of May A. D. 1851, after these proceedings had been quieted this was given to me by Chas. G. Davis Esq. as being of no further use, it never being entered or becoming a

part of the records of the Court, and at 5 Nov. A. D. 1881 I present it to Chas. P. Greenough, Esq.

JOS A WILLARD, *Clerk of Superior Court*

[Endorsed] Writ de Homine Replegiando. Thos. Sims.

Remarks were made during the meeting by Messrs. J. C. WARREN, DANA, LONG, RANTOUL, MEAD and THAYER.

## JUNE MEETING.

THE stated meeting was held on Thursday, the 13th instant, at three o'clock, P. M.; the PRESIDENT in the chair.

The record of the last meeting was read and approved.

The Cabinet-Keeper reported the gift of a photographic copy of the portrait of Rev. Caleb Cushing (1672–1752), minister of Salisbury, Massachusetts.

The Recording Secretary, in the absence of the Corresponding Secretary, reported the receipt of letters from John S. Bassett, accepting his election as a Resident Member, and from William MacDonald as a Corresponding Member.

The Editor announced the gift by Prof. WILLIAM W. GOODWIN of the survey of Clark's Island, Plymouth Harbor, made in 1688 by Phillip Welles, and at the order of Sir Edmund Andros; by Mr. BOWDITCH of a letter of Isaac Hinckley, dated March 24, 1880,[1] and by Mr. BRADFORD of the miscellaneous writings of his father, Gamaliel Bradford, accompanied by the following note:

> In presenting to the Society the collection of scrap-books, six in number, containing my father's miscellaneous writings for over forty years, I am simply carrying out his specific intention and wishes. He had long looked forward to this disposal of them, had arranged an oak cabinet for the purpose, and had himself prepared the greater part of the clippings and letters in chronological order.
>
> A constant loyalty and devotion to any cause or organization with which he had become associated was one of his most marked characteristics, and I know that during his long connection with the Society he cherished its objects, prized the friendships that it gave him, and was most faithful in attendance at its meetings. If at times his eager and impetuous temperament led him to introduce something of modern controversy into its historical discussions, it was because he felt that there was no body of men in the country whom he would more gladly have converted to the cause he advocated.

[1] See p. 640, *infra*.

It is his persistent advocacy of that cause which gives interest to the collection of his papers now presented to the Society. For forty years he toiled unremittingly for one object, and although his progress was slow, against indifference, prejudice, and ridicule, he had at last the satisfaction of feeling that many of those whose judgment he most respected had come to the approval and acceptance of his views. And whatever opinion may be held of the views themselves, I think it will be recognized that he labored for them with all his soul and without any thought of personal advantage or reward.

Malcolm Storer, of Boston, was elected a Resident Member of the Society.

Mr. DAVIS, on behalf of Mrs. Lucien Carr, presented to the Society a copy of a poem, originally written for the *Boston Sunday Times*, by Mrs. Katharine McDowell, and published in that paper May 8, 1875. In 1876 it was reprinted as a pamphlet with the title: The Radical Club. / A Poem, / respectfully dedicated / to / "The Infinite," / by / "An Atom." / Boston: 1876. In this copy the names of the members of the Club are entered against the verses describing them.

Mr. SANBORN presented the following paper on

## EDWARD GOVE AND HIS CONFISCATED ESTATE.

The first, and I believe the only case in New England, of a conviction and sentence of a colonial subject of the Crown, for the crime of high treason and "levying war against His Majesty the King," before the Revolution of 1775, was that of Edward Gove, a planter of Hampton (now Seabrook), in what soon became the royal Province of New Hampshire. He was arrested, upon a peace warrant issued by his neighbor, Justice Nathaniel Weare, and served by my ancestor, Lieutenant John Sambourne (as the name was then spelled), at the head of a detachment of the foot company of Hampton, January 27, 1683. He was then imprisoned without bail at Great Island, now New Castle; indicted, February 1, for treason; tried the next day before Richard Waldron, and two justices, convicted and sentenced without delay, under the barbarous terms of the old law, by which Vane had suffered, and Sidney was to die in London:

You shall be carried back to the place whence you came[1] and from thence be drawn to the place of execution, and there be hanged alive; your entrails shall be taken out and burned before your face, your head be cut off and your body be divided into four quarters, and your head and quarters be disposed of at the king's pleasure.

As the charter of the Province did not allow the provincial court or governor to execute a capital sentence, but required the felon to be sent to England, Great Island was not to witness this savagery; but Gove must remain in irons there, until he could be shipped to London for confinement in the Tower, till the king, Charles II, should order his execution. What was the crime which led to such swift trial and sentence? Gove himself, on reaching the Tower (June 6, 1683), thus stated it in a letter to Edward Randolph, written from the Tower to the Plantation Office, June 11:

Had I known the laws of the land to be contrary to what was done, I would never have done it. You may well think I was ignorant of any law to the contrary, since for fourteen or fifteen years past the same thing hath been done every year, and no notice at all taken of it.[2]

What Captain Gove, who was my great-grandfather's great-grandfather, meant by this odd statement I cannot imagine. He had been a citizen of Salisbury first, and then of Hampton (without moving his residence), for more than thirty years; had sat on juries, served in provincial legislatures and commanded soldiers. His actual offence was an armed demonstration, at the head of a few mounted men, against the royal Governor, Edward Cranfield, and the Duke of York, the heir to the crown, a Catholic. He had been a warm opponent of the Governor in the provincial Assembly of twelve members, representing the four towns which then alone constituted New Hampshire, — Robert Eliot, Philip Lewis and John Pickering for Portsmouth; Peter Coffin, Anthony Nutter and Richard Waldron, Jr. for Dover; Anthony Stanyan, Thomas Marston and Edward Gove for Hampton; and Bartholomew Tipping and Ralph Hall, with one vacancy, for Exeter. The upper house was the Governor's Council, appointed by the crown; Richard Waldron, Richard

[1] This place was the small fort which, ten years later (1693), gave its name to the chartered town of New Castle, and its commander was Captain Walter Barefoot, afterward Deputy Governor and Chief Justice of the Province.

[2] *Edward Randolph* (Prince Society), III. 231.

Martin and Christopher Hussey; Robert Mason, who claimed to own the whole Province and part of Massachusetts; Samuel Dalton, Elias Stileman and Job Clements. Richard Chamberlaine, the Province Secretary, was also a Councillor; the whole number being usually eight. This being the Parliament of New Hampshire, when Cranfield reached Portsmouth, in October, 1682, he soon summoned the Assembly, installed the new Councillors, and tried to get authority from the lower house to lay taxes, which they refused. He then prorogued the Assembly, and undertook to levy taxes by the Council alone, in which he had a majority, through Mason and Chamberlaine. Against this Gove, Waldron, Martin and most of the Puritan interest protested, and Gove counselled armed resistance, which the cooler heads in New Hampshire and Massachusetts opposed, till a more fitting season. They later also resisted by force the Stuart dynasty, when they heard at Boston, in April, 1689, that William of Orange was ruling in England; and after the arrest of Gove some of the Massachusetts leaders — Major Pike of Salisbury, for instance — tried to get Gove acquitted on the ground of insanity. Cranfield always charged that Gove was secretly supported by the clergy and magistrates of the two Colonies; and he was perhaps really afraid of his life. But his ruling motive in the indictment and conviction of Gove was to get hold of his confiscated property, which he thought to be larger than it was. The language of Gove was certainly seditious, and his demonstration might properly be called a riot. His house, which no longer exists, was near that of Justice Weare, with whom Gove had quarrels, and who issued the first order for his arrest. Setting out from Seabrook, with his son John and his servant, William Healey, mounted and armed, they repulsed a marshal serving Weare's warrant, rode to Exeter, seven miles, passing the house of Gove's son-in-law, Joseph Sanborn, who the Christmas before had married Gove's daughter Mary, and at Exeter and its vicinity they were joined by three young Wadleighs, sons of Robert Wadleigh, a prosperous lumberman, by Mark Baker (ancestor of the late Mrs. Eddy), Thomas Rawlings, Edward Smith, John Sleeper, John Young, and an unnamed trumpeter, who escaped on his fleet horse, without getting mentioned in the indictment. This force then trotted over Bride Hill to Hampton Village, where

Lieutenant Sambourne had his men mustered to halt them. They were stopped, made slight resistance, without bloodshed, and were all in Great Island prison that same night. It was a premature demonstration, which might have been a revolution, perchance, had it been delayed for three days, when Cranfield intended to have a special service on the 30th of January, in memory of the execution of Charles I, whom most of the Puritans regarded as justly slain.

Cranfield's word can seldom be taken in his variable reports to his friends Blathwayt and Jenkins, officials in London; but Randolph, though a prejudiced and soured person, usually told the truth with some exaggeration, and his account was this:

Edward Gove, a leading man, and a great stickler in the late proceedings of the Assembly, made it his business to stir the people up to rebellion, by giving out that the Governor, as Vice-admiral, acted by his Royal Highness' [Duke of York's] commission, who was a papist, and would bring Popery in among them; that the Governor was a pretended governor, and his commission was signed in Scotland, etc. . . . He solicited many of the considerable persons in each town to join with him to recover their liberties infringed . . .; adding that his sword was drawn, and he would not lay it down till he knew who should hold the government . . .

Fearing he might get a party too strong for the civil power, (as indeed it proved, for Justice Wyer and a marshal and constable was repulsed,) the Governor, (though much dissuaded,) forthwith ordered the militia of the whole province to be in arms . . . [From Exeter Gove] suddenly returned with twelve men belonging to that town, mounted, and armed with swords, pistols and guns, (a trumpet sounding) and Gove with his sword drawn riding in Hampton at the head of them . . . [The Governor at Portsmouth] was taking horse, and with a part of the Troop, intended to take Gove and his company: but . . . a messenger brought word that they were met withal and taken, by the militia [of Hampton,] and secured with a guard. The trumpeter, forcing his way, escaped: after whom a hue and cry was sent to all parts: but as yet, he is not taken. . . . The prisoners were examined before the Governor and Council, where Gove behaved himself very insolently. . . . Capt. Barefoot having the trained band of Great Island then in arms, was ordered to take care of the prisoners, and keep a strict watch upon them, in regard the prison was out of repair. . . . They were all indicted upon the 13th of the King,[1] for levying war against His Majesty. Gove pleaded

[1] A statute of 1662 against treason.

not guilty, . . . but owned the matter of fact, and to justify his taking up arms, pleaded against the Governor's power, that he was only a pretended governor, by reason that his commission (as he said) was sealed in Scotland . . . The other prisoners pleaded not guilty; but had little to say in defence for themselves further than they were drawn in by Gove. The jury, after long consideration, found Gove guilty of high treason upon the indictment, and all the rest "in arms": in regard the other prisoners were specially found, the Governor ordered the court to respite their judgment till His Majesty's pleasure should be known therein; most of them being young men, and altogether unacquainted with the laws of England.[1]

The Historical Society of New Hampshire has among its many manuscripts the letter, often quoted, which Gove wrote to the Justices, from his Island prison, January 29; one of the few of his writings that have been preserved.[2] It shows a good handwriting and that independent spelling, so common in the age of Milton, Lady Verney and the wife of Cromwell. In it Gove said:

Gentlemen, according to what I know and believe, I am falsely indicted, and I am abused, notwithstanding, by another inditement, being in irons by Capt. Barefoot's order; which irons are called bilboes, exceeding heavy. . . . We have a hard prison, a good keeper, a hard captain, — irons an inch over five foot and several inches long, — two men locked together. Yet I had, I thank God for it, a very good night's lodging, better than I had[3] fourteen or fifteen nights before.

[1] *Edward Randolph* (Prince Society), III. 258.

[2] Printed in Belknap, *History of New Hampshire* (Farmer), I. 99 *n.*

[3] Here he seems to allude to the excitement at the proroguing of the Assembly, which met on this same Great Island, then a part of Portsmouth, where both Cranfield and Barefoot had houses in 1683. It was on this same Great Island, in the house of George Walton, where the Province Secretary Chamberlaine boarded, and solaced his dejection by playing the rebec, that occurred a premonitory symbol of the disorder to be produced by Cranfield, Gove, Mason, Barefoot and Chamberlaine himself, in the following years, from 1682 to 1692, when regular government was again established under William and Mary and the royal Governors of Massachusetts. In July, 1682, three months before Cranfield reached Portsmouth, as Chamberlaine sat touching his instrument in Walton's chamber, occurred that "Lithobolia" or demonic stone-throwing, so fearfully described both by Cotton Mather and Chamberlaine. The latter published at London in 1698 his pamphlet of 16 pages entitled "Lithobolia: or, the Stone-throwing Devil," now a very rare record. To disbelieve that these stones, cast about by unseen hands, were thrown by "Infernal Spirits (Devils Incarnate) or Witches," Chamberlaine said, a person "must temerariously unhinge and undermine the best

The property of Gove was chiefly in land and forest, with the stock of beasts which his land supported, and was not easily turned into money. Consequently, when he reached the Tower, Gove must have been poor indeed; and his lands in Seabrook were already under attainder and legally forfeited. His children and neighbors doubtless joined in claims against him, which would put all such property as they could attach under protection from the forfeiture. This is what Cranfield meant by writing to his English friend that Gove's estate was so "conveyed away" that only £200 remained for the Governor to seize, — and that two years must pass before he could receive even all of that.[1] Writing from the Tower, June 11, 1683, to Randolph, who had brought him over to London, — out of needless irons on shipboard, we may assume, — and had learned to know the untreasonable nature of the man, Gove said:

I have further to request of you (if it may not be inconvenient) that you will please to assist me with some money in my necessity; and (as far as my promise may signify in the case) do promise that whatever you will be pleased to furnish me withal here, you shall take it out of my estate in New England.[2]

Probably Randolph, who was a liberal person, though far from rich, complied with this request, and received his repayment from the four children of Gove in New England. His older son, John, was soon released from imprisonment, and, with his brother Ebenezer and his brother-in-law Sambourne, pledged property and advanced money for their imprisoned father across the sea. What occurred in London we now know in part, from copies of the official papers, obtained by a descendant, Asa D. Gove, of New York, at London in 1849, and given to our Society in 1852. I inquired for such papers at the Tower itself, when I was there in June, 1890; but though some of them were on file there, I could not find them. They are here given in abstract; but as they are curious, and the case is unique, I would ask that they be printed in full. The first,

religion in the world, and must disingenuously quit and abandon that of the three theologic virtues or graces to which the great Doctor of the Gentiles gave the precedence, — Charity, — through his unchristian and uncharitable incredulity."

[1] P. 233, *supra*.

[2] *Edward Randolph* (Prince Society), III. 231.

dated at Whitehall, London, March 24, 1849, is a letter from H. Waddington, to A. D. Gove, Craven Hotel, Strand, authorizing Mr. Gove, an American, in the name of Sir George Grey, a secretary of State, to have "copies or extracts of documents in the State Paper office which relate to Edward Gove, imprisoned in the Tower in 1683."

Then follows, dated Whitehall, June 6, 1683, a letter from Sir Leoline Jenkins, Knt., "of His Majesty's most honorable Privy Council, and principal Secretary of State," announcing that,

Whereas Edward Gove, late of Hampton in the Province of New Hampshire, in New England, who was convicted and condemned for High Treason in levying war against our Sovereign Lord the King, at Hampton aforesaid, and sentence of death passed upon him there for the same, hath since been sent for this kingdom of England, by warrant from Edward Cranfield, Esq. Lieut. Governor and Commander-in-chief of the said Province, of New Hampshire, on the ship, the *Richard* of Boston, Thomas Joules Master; and whereas, by warrant from me the said Gove has been delivered from on board the said ship into the custody of one of the messengers of His Majesty's Chambers, and brought before me, according as the said Edward Cranfield had directed the said Joules to do:

These are therefore in His Majesty's name to will and require you to receive into your custody the person of the said Edward Gove, herewith sent; and him safe to keep until His Majesty's pleasure be signified to you, further to dispose of him according to law. And for so doing this shall be your warrant.

*To Thomas Cheeke Esq. Lieutenant of His Majesty's Tower of London.*"

In response to this order, June 7, Cheeke replied:

I received a prisoner last night by your warrant. I thought you had been at Hampton Court this day, or I should have acknowledged it earlier. The fellow is poor, and I wish to know if the king will allow him maintenance. I keep two warders with him, — one to lie in his chamber, and one never to be out of his sight. Our warder houses are so full of our officers that we have no place for prisoners.

So passed the next year, — Gove in unnecessary irons, as he had been at Great Island, while awaiting trial, — but his neighbors in New Hampshire in active efforts to rid themselves

of the tyranny of Cranfield, who had now joined himself definitely with Robert Mason in an effort to obtain an acknowledgment from the inhabitants, of the Masonian ownership of the lands of the Province, and this to be followed by leases taken out by them, and the payment of quitrents, which would give Mason a large income, like an English landlord. For maintaining his claims in this matter, Mason promised the Governor 150 pounds sterling a year, which never seems to have been paid; while Cranfield put the officials of the Province at Mason's service to collect his rents. So annoying did this become that the chief men of the four towns, especially in Portsmouth and Hampton, raised a fund of one or two hundred pounds, and sent Justice Weare to England early in 1684, to bring their wrongs to the notice of English courts, to which they appealed; and to use influence with the ministers of Charles II for the removal of Cranfield. For this purpose Weare took with him a numerously signed petition from the landholders of the Province, complaining of Cranfield and Mason's exactions; and he caused charges against the Governor to be entered before the Privy Council, of which Savile, Marquis of Halifax, was then President. He also visited Gove in the Tower, whose case came before Halifax and his colleagues of the Council in May, 1684, in this form, as the papers in our archives show:

At the court at Hampton Court, May 28, 1684. By the King's Most Excellent Majesty, and the Lords of the His Majesty's Most Honorable Privy Council.

Upon reading this day at the board the humble petition of Edward Gove of New Hampshire, in New England, a prisoner in the Tower of London, praying that he may be released from his irons, and have the liberty of the Tower,

It was ordered, by his Majesty in Council, That Thomas Cheeke, Esq. Lieutenant of his Majesty's Tower in London, or in his absence that the Commander-in-Chief, do forthwith cause the said Edward Gove's irons to be taken off, and that he or the Commander-in-Chief do likewise grant him the liberty of the Tower, upon good security that he will remain a true prisoner there.

PHIL LLOYD.[1]

[1] This gentleman seems to have been the clerk of the Privy Council for several years. He signs the audit of bills for the safekeeping and board of prisoners in the Tower, which the Privy Council made.

So it seems that for nearly a year this harmless Puritan, who had no thought of escaping, and had petitioned the king for pardon, was kept ironed in his chamber, and a part of the time with two expensive warders watching him. It was a period of anxiety in London, for in the July following the arrival of Gove at the Tower, the Ryehouse plot was discovered; Essex was put to death or committed suicide in the Tower; Lord Russell was taken from the Tower to be beheaded, and the Dons of Oxford solemnly declared, and assured King Charles, that to hold that all civil authority is derived originally from the people, and that if princes become tyrants, or govern otherwise than by the laws of God and man they ought to do, they forfeit the right to govern, — "All and every of these propositions [reciting 25 others] are false, seditious and impious, and most of them also heretical and blasphemous; infamous to the Christian religion and destructive of all governments in church and state."

In the following December Algernon Sidney was executed, and the king began to take away the charters of the English cities by his arbitrary power, supported by subservient judges and prelates. The most of the persons accused of treason and beheaded were with Gove in the Tower in 1683–1686; among them the Duke of Monmouth, who passed for the king's own son. The bills for Monmouth's short stay in the Tower before execution, in July, 1685, along with Gove's bill for the same Michaelmas Quarter, were as follows:

For safekeeping the late Duke of Monmouth from the 13th of July to the 15th following, inclusive, being three days, at £.10 per week, ancient allowance, and £.2, 4*s*, 5*d* per week present demands, according to Retrenchment, 19*s*. 00¼. For safekeeping the Lord Lorn and Edward Gove, from the 25th June, 1685, unto 29th September following inclusive, being 13 weeks and 6 days, according to the same allowance and to Retrenchment, £.18, 9, 5.

These bills, in the original, bear the audit and approval of the Privy Council, or as many of them as happened to be present when offered; in Gove's case, for the two quarters in 1685–6 here copied, the signers were Robert Howard, Lord Chancellor Jeffreys, Lords Clarendon, Rochester, Huntingdon, Mulgrave, Plymouth, Craven, Sunderland, and J. Bridgwater, and Wm. Bridgeman, for October, 1685. Before the bill for

1686 was presented, however, the following proceedings had occurred:

*March* 5, 1685–86. *Court of Whitehall.*

Present, the King his most excellent Majesty, his Royal Highness Prince George of Denmark, Lord Archbishop of Canterbury, the Chancellor, Treasurer, President of Council, (Halifax) Chancellor of Exchequer, Earls Craven, Berkeley, Plymouth, Monson, Middleton, Lord Viscount Preston, the Bishop of Durham, Lord Dartmouth and Godolphin.

Upon reading this day at the board the petition of Edward Gove, prisoner in the Tower humbly praying that he may be inserted in the next general pardon, His Majesty [James II] was pleased to order that he be inserted in the next general pardon which shall come out for the prisoners at Newgate; and that in the mean time Thomas Cheeke Esq., Lieutenant of the Tower, to bail the petitioner to appear and plead his pardon.

This was not the first step in Gove's pardon. Next followed this entry:

March 9, 1686. Edward Gove discharged: giving his own recognizance for his appearance at the sessions of the Old Bailey to plead his pardon.

SUNDERLAND.

These later proceedings followed on the actual granting of Gove's pardon, of which I show a photographic copy,[1] and which was actually granted at Windsor, September 14, 1685, soon after the accession of James, upon his brother's death in the preceding February. It is signed by Lord Sunderland, who did not order Gove's discharge till nearly six months later. But his pardon had been notified to Cranfield in New Hampshire, and had been preceded by a petition from Gove to the Lords of Trade in August, 1685, in which he said:

Edward Gove has now been a prisoner nineteen months, fifteen of them in the Tower, where the king has granted him life, release from irons and liberty to take the air. He has great hopes of freedom, if he can obtain copies of his indictment, trial and condemnation, and begs they may be furnished him.

This petition was late in August, and on the 26th of August, 1685, Halifax and the Board of Trade recommended his pardon.

[1] Printed p. 235, *supra*.

Upon this, Randolph wrote to his friend Sir R. Southwell (September 1) a fortnight before the pardon issued:

Mr. Blathwayt has got Gove set at liberty upon some slight obligation to his Majesty, for his good behavior: by which means His Majesty will be freed from the charge of maintaining him in the Tower at £. 3 a week.

The actual charge was 14 shillings less than this, as the above bills show. Probably the consideration of cost entered into the Secretary's mind; but Weare and Halifax took a wider view of the discontent in New Hampshire.[1]

Cranfield had taken all Gove's money that he could find; and therefore the prisoner in the Tower had to pray the king for another favor, which was granted.

*April* 9, 1686. *Court at Whitehall.* Present the King, Prince George Archbishop etc. [much as before, except that Earl Bridgewater, Viscount Fauconberge and Lord Chief Justice Herbert were added].

Upon reading the petition of Edward Gove, . . . In regard the said pardon, as he is informed, will not issue till Michaelmas next, and for that his family beyond the sea were in a necessitous condition, he humbly prays His Majesty to signify to the Government of New England his said gracious pardon, and that he may be restored to his former estate and condition.[2]

This the King in Council granted, and wrote in April, 1686, to Dudley's new government in Boston, set up after the abrogation of the old Massachusetts Charter, that Gove was "restored to his former estate and condition"; and that his property should be "ascertained and restored" to him. This was done, but the documents showing how it was done have disappeared, with many other papers of that disturbed period in New England. Accidentally I discovered in an old court record of New Hampshire, now in the State House at Concord, New Hampshire, the initial proceedings taken by Gove, in that Province. He attached the alleged property of Cranfield, a house on Great Island, valued at £400, and brought suit at the term of a court held by Justice William Stoughton at Portsmouth (in which

[1] See pp. 234, 235, *supra.*

[2] *Acts of the Privy Council* (Colonial), II. 67. Many references to Gove's "rebellion" and imprisonment are in *Calendar State Papers*, America and West Indies, 1681–1688.

one of the jurors was the brother-in-law of Mary (Gove) Sambourne, and Walter Barefoot took part in the proceedings), for the recovery of £200 unlawfully obtained by Cranfield. The date was October 6, 1686, — Gove having reached home in May; but the court merely adjourned proceedings till the new government at Boston could be heard from in the matter. Other old New Hampshire documents on file at Concord show that Gove died July 29, 1691, without a will, and that the estate was not finally settled till 1712. The explanation of this delay is thus stated in an agreement drawn up by the still surviving Justice Weare, and witnessed by him, March 26, 1712, as follows:

> Whereas our honored father, Edward Gove of Hampton, deceased some years since, and left his lands and estate undisposed of by will; and there happening to be many arrears and disbursements arising to the lands belonging to our said father; and having in some competent measure come to a settlement thereof, we, the sons and successors of our said father, *vizt.* John Gove and Ebenezer Gove, to the end that we may enjoy our lands and propriety to ourselves, our heirs and successors, without invading and intruding, or claiming of rights of propriety in one or the other's precincts, we, the said J. G. and E. G. are come to a full and final agreement, which is as followeth: (Here the acres, metes and bounds.)

This implies that there were charges on the property; some made by Gove himself, some by Cranfield, and others by persons who had advanced money or taken lands of Gove for concealment from attainder, etc. These required time and patience, in more than twenty years, to clear up. In a settlement with my ancestor, Joseph Sambourne, who seems to have taken some lands by way of dowry for his wife, Mary Gove, and to have exchanged other lands with the Gove family, the property where I was born was retransferred by John Gove and Samuel Colcord, for a merely nominal sum in 1692. In these settlements some of the unregistered land of Edward Gove, a small meadow nearer Gove's homestead than Sambourne's, seems to have been held by Mary, my ancestress; and this has finally come down to me by a series of inheritances. It is now partly covered with a growth of pine forest, as vigorous, though not so old, as that which surrounded those homesteads two centuries ago; when this final settlement of the forfeited lands of the prisoner in

the Tower was made by the justice who had caused his arrest, promoted his release, and saw accomplished what my ancestor had unwisely sought to achieve by force, — the freedom of the Province.

### ISAAC HINCKLEY TO CHARLES P. BOWDITCH.

THE PHILADELPHIA, WILMINGTON & BALTIMORE RAILROAD CO.
PRESIDENT'S OFFICE, BROAD STREET & WASHINGTON AVENUE,
PHILADELPHIA, March 24th, 1880.

MY DEAR SIR: Your letter of the 20th inst. in respect to the Cooper family, was duly received.

There is no doubt that the Cooper family need help, nor that the exertions of Mr Cooper to aid our troops were great and effective. The Country owes him a great debt, and I am very glad to learn that a movement is being made to help the survivors of his family.

Mr Cooper, after the war, became an illicit distiller, and was punished under our laws severely. Others of the family have borne unenviable reputations. This should have no effect detrimental to the claims of his Widow and two daughters, but should I think, deter benevolent people from making donations to others of the family.

If the history of the action of Philadelphia Citizens, in feeding and nursing the troops en route, were fully known; it would be plain to all, that justice demands that donations now made, should not be confined to the Cooper family. It seems to be understood erroneously, that Cooper not only originated the movement, but also took the larger share of the work. Neither of these premises is true. The Volunteer Refreshment Saloon was the first to be opened. It was in a building belonging to this Company, and given free of rent to the cause. This saloon had a capacity fully double that of the Cooper Saloon, and was maintained by the voluntary aid of Citizens, who gave time and food without stint.

The first detachments which passed through the City, were met on arriving at our Southwark ferry-landing, by crowds of eager people, generally of the poorer classes, each laden with food and drink for the troops. Shortly after, a Saloon and Hospital were established in this Co's building, and these were maintained in the most thorough, generous and systematic manner, until about June 1865. Mr Cooper's movement followed, and, I know not how, seems to be made to represent and overlay the earlier and larger enterprise.

There are now in Philadelphia persons who devoted themselves, their means, and what they could obtain by solicitation, to the first

enterprise, who are as much in need, as are the Widow and daughter of Mr Cooper.

If, as I hope, there be a generous subscription raised, in return for aid received by Mass$^{tts}$ Soldiers; it would be, I think, just and fair, when distributing it, to look into the claims of all who afforded such aid and are now reduced to poverty. Their number is small, their claims good. I enclose a Card of the older undertaking. I shall be glad to get and communicate further facts if desired.

Yours Truly,

ISAAC HINCKLEY,
*President.*

Mr. FORD spoke of a manuscript (Vol. 161, G. f. 1) which had been given to the Society in 1856 by Mr. Isaac P. Davis, and which appears not to have received the notice it deserves. It consists of two accounts, printed in full below, and relates to the arrest of Thomas Morton of Merrymount by Endicott in 1628. The first account covers the expenses incurred by Edward Gibbons while Thomas Morton was in his custody. Whether Gibbons was at this time a member of the Morton party, or merely associated with him for the time, being "a young man of reckless, roving disposition," is not known, though Scottow expressly states that he was "one of the Merry Mount Society," but "no debauchee."[1] The fact that Morton was apparently entrusted to his care after his arrest, would show that his connection with Morton was not close. The value of the account lies in the names mentioned, names of settlers who preceded the coming of Endicott. Roger Conant and Rev. John Lyford were at Natasco; John Bursley was at Wessaguscus, the place where Weston's men made such a failure; and Samuel Maverick occupied his house at Winnisimmett. William Blackstone was at Shawmut. But who were Pasco, Richard, Frost and Cribbe, or Crabbe? Were they also "first comers," earlier in Massachusetts than the Endicott party? A John Crab receives mention in the Dorchester Records,[2] the entry referring to some time between 1630 and 1632.[3] If the name is Cribb, a Benjamin Cribb was with two others whipped in 1631, "for stealeing 3 piggs of Mr. Ralfe Glouers."[3] Neither name receives later mention in the records. As to Frost, it may have been Nicholas

[1] Adams, *Three Episodes of Massachusetts History*, 384.
[2] *N. E. Hist. Gen. Reg.*, XXXII. 59*n*.
[3] *Mass. Col. Rec.*, I. 85.

Frost, later of Kittery, who in 1632 suffered severe punishment from the Massachusetts Bay authorities for theft committed at Damerills Cove upon the Indians and for other misconduct.[1] Savage throws no light upon the identity of these names. Bursley and Blackstone were among those who contributed towards the charges of sending Morton out of the plantation.[2]

The second account is probably an inventory of what was found in Morton's house and at Natasco. The hatchets and beads point to barter with the Indians, and the great complaint against Morton was that he did not scruple to trade powder, shot and guns with the natives, thereby endangering the English settlements, and leading to their combining to put down mine host of Merry Mount. The paper is the only known contemporary manuscript relating to the summary action taken against Morton by Endicott.

The writer of these accounts has not been identified, but it was not Gibbons himself.

PAID FOR TH: MORTON BY ED. GIB[BONS].

| | |
|---|---|
| To Mr. Conant for vinegar | 0. 0. 8 |
| To Mr. Layford | 0. 6. 0 |
| To Pasco for a shirt | 0. 4. 6 |
| To Richard | 0.18. 0 |
| To Frost for lether | 0. 3. 0 |
| To Mr. Bursley | 0.10. 6 |
| To the store | 1.14. 8 |
| For a shute of Clothes | 1. 0. 0 |
| For 3 pound of suger | 0. 9. 0 |
| For j gallon of Resaselis | 0. 7. 0 |
| For 10 lb. of Reasons | 0. 6. 0 |
| Due vpon an accompt | 0. 2. 2 |
| in mony | 4. 0. 0 |
| To Mr. Maverick | 0. 6. 0 |
| | 10. 9.[3] 6 |

[1] *Mass. Col. Rec.*, I. 100. In 1652, among those of Kittery who acknowledged themselves subject to the government of the Massachusetts Bay, were Nicholas Frost and John Bursley, both of whom were unable to sign their names. 2 *Maine Hist. Collections*, IV. 22. A third resident of Kittery, Antipas Maverick, also submitted, but he has not been connected with Samuel Maverick of Winnisimmett. A daughter of Samuel, Mary, married for her second husband, Francis Hooke of Kittery. Savage, II. 457.

[2] Bradford's *Letter Book*, 1 *Mass. Hist. Collections*, III. 63. The sum raised, £12. 7. 01, did not differ much from the total of the first account below.

[3] Should be 7.

| | |
|---|---|
| The parte of trade is sould to | 10.10.[1] 6 |
| More of debt | 0.15. 0 |
| More of Mr. Blackstone | 0. 6. 0 |
| More of Mr. Cribbe [Crabbe?] | 0.18. 0 |
| More of goodes sould | 2. 8. 4 |
| | 13.07.10[1] |
| Lent 30 wt. of beaver | 14. 7.10 |
| | 10. 9. 6 |
| | 3.18. 4 |

Due to Ed. Gibons 10° Aprilis, 1629, upon his accompt, 17 *li* of beaver.

Goods in the house and at Natascock.

| | |
|---|---|
| j: fowling peece | 2. 8. 0 |
| j: pistoll | 0. 9. 0 |
| j: barrell of lyme | 0. 4. 0 |
| j: barre of lead | 0. 2. 9 |
| j: sithe | 0. 3. 4 |
| 2 Rubbers | 0. 0. 6 |
| 1 spade | 0. 2. 0 |
| 18 trencher plates | 0.12. 0 |
| 2 meltinge ladles | 0. 2. 4 |
| It 5 Rugges used 2 traded | 1.15. 0 |
| 78 *li* of leads | 0.12. 0 |
| 1 skimer | 0. 1. 6 |
| 1 saucer | 0. 1. 6 |
| 21 hatchetts | 1. 1. 0 |
| 21 *lb* of pewter at 10 *d* per | 0.16. 0 |
| 1 beaker | 0. 0. 6 |
| 9 *lb.* of powther | 0.13. 6 |
| 30 *lb.* of shott | 0. 5. 0 |
| j saw at Wessaguscus | 0.12. 0 |
| Sheete lead | 0. 1. 0 |
| j calking Iron | 0. 0. 6 |
| j barbers bason | 0. 2. 6 |
| 2 wast coate | 0. 6. 0 |
| 4 lether botteles | 0. 4. 0 |
| 4 ould howes | 0. 1. 6 |
| j dram bole | 0. 1. 0 |
| 3 *lb* of beades | 0. 4. 0 |
| hoppes | 0.17. 6 |
| ji how (?) | 0. 1. 6 |
| | [12. 1. 5[2]] |

[1] These figures were run through with the pen.
[2] The manuscript carries no footing.

Mr. FORD also submitted the following account, by one of the agents, of the mission sent to England by the Colony of Massachusetts, in 1690, to prosecute the charges against Sir Edward Randolph.[1] The general outlines of the mission are given in the *Andros Tracts*, printed by the Prince Society,[2] but no such detailed account of the proceedings has yet appeared. The paper seems to have been known to Hutchinson, and he gives a paraphrase of one part of it in his *History* (I. 394). Not one of the four agents, for Increase Mather and Sir Henry Ashurst were already in that office, appears to have written to Massachusetts during the summer; for Governor Bradstreet, writing on November 29, 1690, complains that since Cooke's departure in February no word had been received from them for guidance on public policy.[3]

### ELISHA COOKE TO SIMON BRADSTREET.

LONDON, October 16, 1690.

HONORABLE SIR,

After an exceeding stormy and every way dangerous passage of six weekes and six dayes thro Gods wonderfull mercy we arrived at Bristoll March 30th in the evening, and that night by the Post advised Mr. Mather therof;[4] April 1° Mr. Palmer,[5] Sherlock,[6] Farewell,[7] Pepoon,[8] and others of their passengers came to Bristoll also from some place in Wales, by whom we understood that Mr. Bant[9] was arrived at Scillie and had disposed of his passengers. Some went from on board his into another ship at sea, others he

[1] The original is in the collections of the Massachusetts Historical Society, c. 91. 1, and in a volume indexed by Timothy Alden, November 4, 1808. It must have, therefore, come into its possession at an early period of its history.

[2] See commission and instructions in *Andros Tracts*, III. 58, 59.

[3] But see Sewall, *Diary*, I. 326.

[4] Richard Martin, master, sailed from Boston February 10, 1689–90, with Elisha Cooke, Thomas Oakes and Ichabod Wiswall, agents for conducting the proceedings against Andros and his followers. 2 *Proceedings*, VII. 152. Wiswall, "though not formally accredited, acted as the representative of Plymouth Colony." *Andros Tracts*, II. 230. See Sewall, *Diary*, I. 309.

[5] John Palmer. *Andros Tracts*, II. 183.

[6] James Sherlock. *Ib.* 187.

[7] George Farewell, imprisoned at the same time as Andros. *Ib.* 186.

[8] Joshua Pipon, ensign. *Cal. State Papers*, America and West Indies, 1689–1692, 272; *Andros Tracts*, III. 94.

[9] Captain Gilbert Bant. He also sailed from Boston February 10, having with him Sir Edmund Andros, Joseph Dudley, Edward Randolph, John West, James Graham, and others, sent home by the Massachusetts authorities for trial. 2 *Proceedings*, VII. 151.

let go off at Scillie, and all had their libertie to go where they pleased, of which Mr. Nicholson [1] can give account, so carefully did he observe your orders. April 3° their coach day we set out from Bristol and came hither the 5th in the evening, and immediately I went to Mr. Mather's lodgings and there found our papers, we taking up at an Inn at first. Mr Mather advised Sir Henry Ashhurst of our arrival, who was so exceeding kind that the next morning he sent his coach to the Inn desiring me and Mr. Oakes to keep the sabbath with him at Mr. Baxter's [2] meeting and dine with him; this day Mr. Dudley came to towne, Mr. Randolph the day before us, Sir Edmund and others the day after. Monday with Sir Henry Ashhurst we went to Whitehall to the Earle of Shrewsberry,[3] delivered your honors letter,[4] and prayd his favor to gaine us an opportunity to wait on his Majestie,[5] and the next morning being ushered by him, presented the Colonies Address to his Majestie at his Court at Kensington, which after being read to him by Sir H. Ashhurst he was pleased graciously to accept and sayd he would consider it: we went immediately to the Queenes [6] Lodgings with the Address, but she being then indisposed, which continued some time, that Address was not presented till the 21th, and then being ushered by her Majesties Chamberlain, the Marquis of Winchester,[7] and the Address read to her by Sir H. Ashhurst, her Majestie was pleased to say to us she would be kind to N. England, and as kind as the King; there being in that Address, as your honor may remember, an intimation of the King's kindness. But to return to the 8th Aprill, being upon the Exchange just before we went to Kensington with the Address, we met with a Notification from the Lords of the Committee for Trade and Plantations, intimating that they expected our attendance on their Lordships at the Council Chamber the Thursday [8] following about the business of N. England, and respecting his Majesties Letter of Command for sending over Sir Edmund Andros and others, that were under Restraint there. At the time we appeared, when

[1] Probably Heath Nicholson (p. 650, *infra*), or Captain George Nicholson. *Andros Tracts*, II. 132.

[2] Richard Baxter (1615–1691).

[3] Charles Talbot (1660–1718), twelfth Earl and only Duke of Shrewsbury. In February, 1689, he received the seals as Secretary of State for the northern province, but resigned them June, 1690, and remained out of office till March, 1694.

[4] See *Cal. State Papers*, America and West Indies, 1689–1692, 214. References to this volume in subsequent notes will be *Cal. State Papers*.

[5] William III.

[6] Mary, daughter of James II.

[7] Charles Paulet (1625?–1699), sixth Marquis of Winchester and first Duke of Bolton.

[8] April 10.

their Lordships told us that some Gentlemen were lately come from N. E., and that Sir Edmund Andros and others that had been sent over according to his Majesties Command had moved for their discharge, that they might attend their particular business; their Lordships desired us, if we had any thing to object against them, to lay it before their Lordships, and also inquired whither we had any Credentials, and who the persons were that were therby impowered, for that their names ought to be upon Record there. We answered that we had brought Credentials, but had them not there, and that we had also brought some testimonies of matter of fact respecting Sir Edmund Andros and others, which we hoped would sufficiently vindicate the proceedings of the present Government in N. E. against them; but we were some of us but just arrived and all of us strangers to the proceedings of that Honorable Board, and therefore prayed that we might appeare and answer by our Council, and that time might be allowed them to peruse our papers, and then to draw up what might be proper. The Lord President replyed the request was very reasonable, and after taking our Names in writing beginning with Sir H. Ashhurst and so on by the Secretary Mr. Blathwait, we were desired to withdraw, and soon after called in and told by my Lord President that their Lordships had ordered that we should appeare again that day seven night, being the 17th Aprill, with our Council, two of a side, and no more, and in the meane time should leave with the Secretary our Objections in writing on the Munday following (being the 14th day), that so Sir Edmund might have time to answer them, and that at our next appearing we should bring our Credentials. At the time appointed Mr. Humphryes, our solicitor, carryed the Objections to Mr. Blathwait: but when the Objections [1] were drawne up a discourse was raysed among ourselves about the signing of them, upon which our Council being consulted sayd there was indeed no need to sign them, their Lordships having taken our names already and recorded them with our Quality, and because we were properly but upon the Defensive side (the King's Command to send over Sir Edmund, and also this meeting of the Committee being both at his sollicitation), our business was therfore to offer the Reasons of the confinement of Sir Edmund Andros and his Crew, setting forth their Male Administrations of the Government, and thereby vindicate the people in the matter of the Revolution. After delivering the Objections [2] I assisted Mr. Humphryes in drawing up the

[1] Printed in *Andros Tracts* (Prince Society), II. 176. The original is endorsed "Recd. 16 April, 1690," *Cal. State Papers*, 246.

[2] The original paper of the Objections bears this endorsement: "This Paper being presented the 14th Aprill 1690, by Mr. Humphreys and no person being

Brieff, and proceeded so farr therin as he thought their Lordships would have patience to heare at one sitting, coppeys of which are herewith sent. On the 17th day we appeared at the Council Chamber, Mr. Blathwait then calling us each by name under the Character of the N. E. Agents: And after our appearance was observed we acquainted their Lordships that we had entertained Sir John Somers [1] and Mr. Ward [2] as our Council, and prayed they might be heard in behalfe of the Colonie. Then our Council proceed[ed] and acquainted their Lordships that according to the Order of that Honorable Board the Matters objected against Sir Edmund Andros and the other Gentlemen with him were delivered to Mr. Blathwaite the Munday before, and supposed the partyes concerned had taken coppyes thereof. Sir George Treby [3] and Sir Robert Sawyer [4] appearing as Council on the other side sayd they had; and then Sir George began as it were by way of complaint, and sayd they had been imprisoned and very hardly dealt with for a considerable time, and therby put to great Costs and damages and the like. Sir John Somers replying said, It's true we are properly in this Case on the defensive part, and if these Gentlemen have any thing to charge us with we shall be ready to answere them.

Then Sir Robert Sawyer (the quondam Kings Atturney that prosecuted the Quo Warrantos and Scire facias against the Colonie) verry fiercely enumerated the pretended Crimes that Mr. Randolph had formerly suggested against the Country, and for which he sayd a Quo Warranto and Scire facias had been issued out and Judgment thereupon given against them, and their Charter declared forfeited, and that they deserved far greater punishment than meerly the loss of their Charter Priviledges; but in the close of this stormy Harangue (to prevent his receiving any answer) acknowledged that what he had sayd was forreign to the present Case; whereupon one of the Lords sayd, let us keep to the present matter before us. And then Mr. Blathwat the Secretary was ordered to read the paper of Objections against Sir Edmd. Andros, etc., which after his acquainting the Board when and of whom he received it, he read; then our Council declared that they were ready, and came prepared to prove all or any of those Articles, as their Lordships should please to ap-

afterwards found to sign or own the same, their Lordships would not permit it to be read."

[1] Sir John Somers (1651–1716), Attorney General (1692) and Lord Chancellor (1697).

[2] Probably Edward Ward (1638–1714), who later presided at the trial of Captain William Kidd.

[3] Sir George Treby (1644?–1700), now Attorney General.

[4] Sir Robert Sawyer (1633–1692).

point. Then they were ordered to proceed, and the first Article being read again, and Sir Edmund asked what he sayd to the first part of it relating to the Proclamation,[1] he peremptorily denyed that any such Proclamation was ever emitted by him, and the rest of his Accomplices shewed their Assent to what he sayd by their Reverence to the Board, when he had done speaking. Then the printed Proclamation was produced and delivered to the Board, which most plainly proved the charge, and that under his owne and his Secretary Wests hands: then Sir John Somers proceed[ed] and sayd, we will now prove the second part of the first Article, viz. that Sir Edmd. Andros endeavoured to stifle the news of his present Majesties landing, and caused him that carryed his Declaration thither to be imprisoned as bringing a seditious and treasonable paper; and to prove this, here is first the testimony of the verry person that was imprisoned,[2] which we pray may be read: then the Lord President sayd, but who are they that make these Objections; who was answered that we appear here in behalfe of the Country that imploy us, and are ready to proceed in proving them. Lord President. But who imprisoned Sir Edmd. Andros and the rest? Sir J. Somers. The Country, my Lord, the people of the place, who being under the oppression of an arbitrary Government did there as we did here, arose as one man and tooke the oppertunity from the News they had of the Revolution here to free themselves from such a yoake, and also secure the country for their present Majesties. Sir Robert Sawyer, with heat and noyse. You say it was done by the people, but it was by the Rabble spirited by the faction to overthrow the Government. Sir J. Somers. It was done just as it was here by a general concurrence of the people of all degrees, and if you will say the Revolution here was done by the Rabble, you may. Mr. Ward. They acted like Englishmen and good subjects, and showed their good affection and loyalty to the English Interest and their present Majesties in securing that country to the Crowne of England, and are no more to blame in that matter than we here in England. Lord P. You say it was done by the country and by the people, that is nobody. Let us see A. B. C. D. the persons that will make it their owne case, and make this charge, that we may know who we have to do with, for that Paper is not signed by anybody. Sir J. S[omers]. We are my Lord in behalfe of the Country, and are imployed by the Colonie to manage their concern as such, and not in the behalfe of any particular persons. That is not our business; and we are ready to prove all these Objections, if your Lordships please, or such of them as your

[1] Printed in *Andros Tracts*, I. 75 *n.*
[2] John Winslow. *Andros Tracts*, I. 77.

Lordships shall please to order. Then one of the Agents standing just behind the Council to whisper them as there might be occasion, sayd to Sir J. S[omers], if the stick be for that the paper of Objections is not signed by the Agents, we will some of us signe it now immediately, but he replyed no, we are in our way, and have attended the direction of the Board; and if they will bring it off thus, they may. Lord P. but who are these persons, we were told that you had Credentials. Sir J. S[omers]. Yes, my Lord, and here they are, then opened your Commission and offered it to be read. Lord P. Who is it from? Mr. Ward. The Colonie of the Massachusetts, my Lord, and under their seale, which plainly showes the persons that are impowered and by whome, but if the designe be to make particular men espouse this matter as their owne Case, and so render themselves lyable to personal Actions, that would be most unreasonable and unjust, it being the concerne of the Colonie, and not of any particular persons. Lord P. You say true, and may be sure that no such thing would be countenanced by this Honorable Board. Then one of the Lords sayd, I perceive the Revolution was there as it was here, by the unanimous agreement of the people. For who seized and imprisoned the late Lord Chancellor?[1] Who seized the Lords such and such, naming several, and secured the Garrison at Hull, etc. I think we understand the matter well enough, and see no reason why we may not goe forward in hearing the proof. Another spoke to the same purpose, and added that the people were to be commended for what they had done, and desired they might proceed in the proof. Lord P. applying himselfe to the Agents sayd, Gentlemen, here has been a pretty deale of time spent. My Lords will give his Majestie a true and impartial Account of what has been sayd on both sides, and waite his Majesties further pleasure in the matter, and you may withdraw for the present. The verry next day we were told by a person of good intelligence, that Sir Edmund and the rest of them were dismissed their Attendance at Court,[2] and the day after, vizt. the 19th, that they would be introduced by some body to kiss the King's hand, which honor tis sayd they and Mr. Lidgett[3] had the Munday or Tuesday following: the Thursday after, being the 24th, the Lords of the Committee made their Report to the King in Council, which his Majestie was pleased to approve, and then ordered the matter to be dismissed, and Sir Edmund and the rest discharged, and set at liberty, as you will find by the Coppy.[4]

[1] George Jeffreys (1648–1689).

[2] The order is in *Andros Tracts*, II. 173, and again, III. 41.

[3] Colonel Charles Lidgett.

[4] The answer of Andros and his companions is printed in *Ib.*, 178, and was presented on the 24th. It bears the memorandum: "But there being no person

Afterward we pursued our great business, the settlement of the Government, which most friends judged would best be effected by a new Grant: we came in a verry ill time for our business. The Parliament being sitting, and the King preparing for his Expedition into Ireland; However we were in great hopes of effecting it before his departure, but by an unaccountable providence were delayed therein, and so prevented by loosing the verry season. May 25th at night, Mr. Shrimpton [1] came to towne with your honors packet, having laine at Scillie three weekes. The next day we endeavored to present the Address, but his Majestie being extreame busy in his preparations for Ireland, could not be come at; therefore least that and the Express directed to the Earle of Shrewsbury (who was then sick and had also desired to lay downe his place) at the Earle of Nottingham,[2] then and still the only principal Secretary of State, his Office. On the 28th day a Notification was sent us to the Exchange from the Lords of the Committee for Trade, etc., directed as per the Coppy, to attend their Lordships the next day.[3] We went up accordingly, accompanyed with several Gentlemen of good quality, and friends to N. E., an Account of which dayes Action and of the several letters from N. E. then read at the Board, your Honor may have from Mr. Shrimpton, Mr. Heath Nicholson and others, which to write would swell this too large. But your Honors will (I believe) have a more full Account thereof by a friend. In the close of this hearing Sir Edmund Andros presented a large paper to the Board, what preceeded being I suppose the more advantagiously to usher in this, which he calls an Account of the forces raysed in N. E. for the Defence of the Country against the Indians, etc., setting forth his care and paines taken for the security of the Country, and that by reason of the Revolution all his measures were broken, the Forts deserted, souldiers debauched and returned home, and thereupon the Country destroyed by the Enemy, etc., as per the Coppy appears.[4] The next day our Answer (Coppy whereof you also have) was drawne up,[5] and the day following we carryed it to the Lord President's Lodgings and acquainted his Lordship that our Answer to Sir Ed-

found to own or sign the charge presented by the Solicitor for the other side against the Respondents, neither the charge nor this Answer was permitted to be read."

[1] Epaphras Shrimpton.

[2] Daniel Finch (1647–1730), second Earl of Nottingham.

[3] The original is in the Mass. Archives, and is printed in *Andros Tracts*, II. 130 *n*.

[4] Printed in *New York Colonial Documents*, III. 722, and in *Andros Tracts*, III. 19.

[5] Summarized in *Cal. State Papers*, 274, and printed in *Andros Tracts*, III. 34, from a copy in the Massachusetts Archives. It is dated May 30.

mund's paper was ready, and prayed to know when we might lay it before their Lordships, who told us that the Committee would not sit till the King was gone; who went June the 4th, and therefore sometime afterwards leaft our Answer with Mr. Blathwayt, Secretary to the Committee. June the 12th, upon the Exchange we were served with a [summons] directed to one of their Majestie's Messengers to attend the Lords of the Council the 14th Instant, etc. See the Coppy.[1] That day we attended with some Gentlemen with us, but were not called, but at last referred to the 19th. And then Mr. Randolph offered a large complaint against the present Government of N. E. of their Irregular trade since the Revolution, with a prayer therein for his continuance in the Office of Collector, etc.[2] See the Coppy, which being read was followed with long harangues from two of the Commissioners of the Customes, setting forth that it was the manner of New England men so to trade under their former Government, and that unless the King did send them a Governor again they would never be brought to a due observance of the acts of trade, making large speeches to that purpose, and withall commending Mr. Randolphs care and diligence in his office. We prayed a copy of Mr. Randolph's paper, that we might give our answer thereto, which we doubted not would be to their Lordships full satisfaction, whereupon we were ordered to appeare the next Council day, being the 25th June, vid. Order of Council. An Answer was immediately drawne,[3] and we attended with it that day expecting to be called. The Council once calling for us inquired by the officer at the door whither we were ready with our Answer. We told him we were, but others were called in: at night we were called into the Council Chamber, and told by my Lord President, that they had not time to heare us then, but would take in our Answer that Mr. Randolph might have a coppy of it, and that all parties concerned were ordered to attend the Council July the 2d, and then he sayd they would come to a settlement of the matter. That day also we attended till or within night, having several times given notice that we were attend[ing], to be heard upon our Answer to Mr. Randolphs paper; but the Council brake up without any Order concerning it, and so were dismissed *sine die:* so that neither our Answer to Sir Edmunds nor that to Mr. Randolphs Account were ever read publickly. Captain Sampson [4] came not hither with

[1] See *Cal. State Papers*, 282.

[2] Printed in *Edward Randolph* (Prince Society), v. 33.

[3] Printed in *Andros Tracts*, II. 127, from a copy in the Mass. Archives. It is summarized in *Cal. State Papers*, 287. It was read in Council June 26.

[4] Hugh Sampson, master of the ship *America*. He took over one hundred and forty-four barrels of whale oil towards defraying the expenses of the agency.

his ship til October 9th, who drowned your Honors letters to your Agents when he saw he must be taken. Sir, there has been a wonderfull omission of Returning the Coppys of the Bonds of ship Masters according to the Acts of Trade, which I could no wayes excuse, but by the hopes they were drowned; therefore please to order Mr. Addington to be your Honors Monitor for the future, for great advantage is taken against us therby. It will be also N. E's Interest that Colonel Sloughter [1] the present Governor of New York be very civilly treated, who 'tis sayd is a true English man and came over with the King from Holland on that Account, and its most probable may have orders to inspect Matters with you, and make his Report hither: its therefore necessary that he have a right information of things, and the true state of the Country, and that before his understanding be vitiated by the poyson of your N. E. toryes, which doubtless they will endeavor to Instill. Sir, I am heartily sorry that my country men have been so unkind to themselves and to your Honor (which I observe in their Election) as [to] deprive themselves and you at such a time, of such helping hands as were both able and willing to serve them: to my certain knowledge Major Richards [2] was a true, faithfull and willing Drudg to his Country from the time of the Revolution till my departure, and is still I doubt not so kind as to give his advice and counsell in all your arduous and difficult matters, tho deprived of his vote therein, and so Mr. Shrimpton: I doubt there was not that due regard had to the Rules of the Charter as ought to be; the due observation wherof would be as well our Interest as security. It was our great unhappyness that your Honors Advice, given the day after the Revolution, for settling the Government on its first and proper Basis was not then attended; and is the opinion of the thinking men on this side the water. Sir, upon Mr. Shrimptons coming to towne we bespake the making of 500 armes in hope to have despatched Welsteed [3] as soon as they were made, but he not coming hither till June the 9th and the French Fleet coming into the Channell within few days after and continuing Masters therof and so of the seas till about the middle of August, when they returned home, and after that a strict Embargo here till our Fleet was fitted and still continuing, prevented his despatch so long that it was judged not safe to venture with his

[1] Col. Henry Sloughter.

[2] John Richards (0000–1694). See 2 *Proceedings*, x. 547.

[3] William Welsteed, master of the sloop *Resolution*, who took one hundred and fifty-two barrels of whale oil, and twenty-five hundred red oak hogshead staves for the agency. He sailed for London April 7. The sloop belonged to Governor Andros. *Andros Tracts*, II. 131; III. 62; 2 *Proceedings*, VII. 154.

sloop in the winter, and is therefore layd up, and the Armes shipt on Captain Prince going on Account of several Merchants, and in part on Account of the Colonie; powder also goes on several ships as Merchandize which we perswaded several friends to ship who do it more to serve the Country than for their owne proffit, and Mr. Welsteed is going passenger in Captain Browne.[1] Captain Martin[2] either carelessly or wilfully ran his ship on shoare with his sheet Anchor at the Bow at Margarets August 31, bulged her on the Rocks, made her a wreck and sold her, having much dammaged his sayls and what else was perishable: he had insured his ship, yet keeps out of sight, and its thought so much of his business is knowne that he will verry hardly gett his money of the Insurers, your fifty pound Bill to be sure will faile being payd by him, tho I believe it may be recovered at home, of which more hereafter when better informed. Sir, since the Kings coming home we have been endeavoring to effect our main Concerne, but the great and general concerns of the Nation respecting the present warr, and the preparation for the next Campaign and summers Fleet crowd out our comparatively small one, the Parliament being sitting and busyed about that Affaire. We have good encouragement given us by several, but the Issue is with the Lord. It seems to me strange that Plymouth Colonie make no application to his Majestie in all this yeare. They had like to have put into Colonel Sloughter's Commission and annexed to N. York Government; pray Sir, to give my service to Governor Hinckley with information therof; my hearty service to Madame Bradstreet, praying her to be kind to the poor widowlike Gentlewoman at my house; the same Mr. Danforth and the rest of the Gentlemen of the Council, begging the continuance of your prayers for, Sir, your Honors most humble servant

ELISHA COOKE.

Sir, yours per Blake who is arrived in some part of Scotland is received this day being the 18th October.

I know your Honor will be surprised at the sight of this letter being in halfe sheets of which I am not a little ashamed, but the truth is that after I had writt it Mr. O[akes] came into the Chamber in the evening and wanting halfe a sheet of paper splitt this, thinking it had been cleane paper, for which he has reason to beg pardon, it being just before it should have been sealed and delivered to Mr. Heath just going and therfore could not be transscribed. I have

[1] William Brown, Jun. or Benjamin Brown, of Salem? 2 *Proceedings*, XIII. 248.

[2] Richard Martin, of Piscataqua, commander of the ship *Blossom*. *Andros Tracts*, III. 62.

herewith also sent Coppyes of Petitions from some Gentlemen in Charlestowne,[1] etc.

[Endorsed] October 10 1690. E. C. to Gov. Bradstreet.

From the same volume is taken

THE CASE UPON THE PATENT OF THE CORPORATION OF MASSACHUSETTS BAY IN NEW ENGLAND.[2]

By Mr. Sollicitor Generall, 4to Martii, 4to Car. 1.

The Patent doth not onely confirme the right of soile and Tract of ground which was granted to Sir Hen: Roswell and others by the Council of Plimouth but also there is a Corporacon erected by the name of the Governor and Company of the Massachusetts Bay in New England.

And the common priviledges of other Corporacons together with this special clause which is twice inserted in the charter, viz. to appoint officers, etc., and to make Lawes and ordinances for the Good and Welfare of the Company, and for the Government and ordering of the said Lands and Plantacon and the people inhabiting and to inhabit the same as from time to time shall be thought meet, soe as such Lawes and Ordinances be not contrary and repugnant to the Laws and Statutes of the Realme of England.

It is to be observed that the Company have not Jura Regalia granted to them but by virtue of the clause aforesaid. For the Government of the Country they have erected severall Courts to be held at severall times in the yeare and constant officers constituted not onely for the keeping of the peace but to determine civill causes of meum et tuum between man and man, which lawes they digested into a Volumne in the year 1650 and 1651, but had been used from 1640 downe to this Time. But I conceive those Lawes are either defective or liable to objecon in the Particulars following:

*Defective.* 1. In the Title Capitall Lawes fol. 14. 15. which relate to criminall matters, there is no provision or punishment for high Treason; neither is it soe much as mentioned. Therefore that is necessary to be inserted in the first place.

2. The oaths of Allegiance and Supremacy are not required to be taken in such manner as the Lawes of England direct. This I humbly conceive ought to be provided for as necessary for the obliging the subjects there to their obedience and loyalty to their Soveraigne.

[1] Probably the petition printed in *Andros Tracts*, II. 79, and in Frothingham, *History of Charlestown*.

[2] A MS. in the writing of Edward Randolph.

*Objecons.* 1. The stile of their Lawes, those being compiled in the time of Rebellion, they use the phrase of Common-wealth, which ought to be rectified as well as they did in the year 1662 order that all writts and proces should be made in the King's name, as by law they ought.

2. Under the Title Heresy there are severall Punishments which seem not to be proportionable to the offence, as by Banishment and paines of death. Also a pecuniary penalty for the keeping of Christmas-day, which ought to be struck out.

3. The civil magistrate appointed to marry people, which ought to be done by the clergy.

4. That none shall be put to death without the oath of two or three wittnesses, which may be a means for the encouraging of murthers and other great offences.

These Instances are put onely to be a guide to the corporacon to pursue the methods and rules the Lawes of England direct and that upon all other occasions and emergencies they may proceed according to the Authority given by their patent, viz. that they must act according to the lawes of England.[1]

Remarks were made during the meeting by Messrs. SANBORN, NORCROSS, J. C. WARREN, CLEMENT, DANA, LONG and MEAD.

[1] An endorsement gives the date, 25 October, 1677.

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  - American Society for Judicial Settlement of International Disputes.
  - Maryland Historical Society.
  - Peabody Institute.

MASSACHUSETTS.
- Commonwealth of.
- Amherst.
  - Amherst College.
- Andover.
  - Phillips Academy.
- Boston.
  - American Academy of Arts and Sciences.
  - American Board of Commissioners for Foreign Missions.
  - American Congregational Association.
  - American Telegraph and Telephone Company.
  - American Unitarian Association.
  - Ancient and Honorable Artillery Company.
  - Archaeological Institute of America, Boston Society.
  - Boston and Maine Railroad.
  - Boston Athenaeum.
  - Boston Chamber of Commerce.

MASSACHUSETTS, Boston — *Continued.*
Boston Co-operative Building Company.
Boston Port and Seamen's Aid Society.
Boston Public Library.
Boston Transit Commission.
Boston University.
Boston Young Men's Christian Association.
Bostonian Society.
Bunker Hill Monument Association.
Children's Hospital.
Church Home for Orphan and Destitute Children.
City of.
Colonial Society of Massachusetts.
Diocese of Massachusetts.
Farm and Trades School, Thompson's Island.
Good Government Association.
Grand Army of the Republic.
Grand Lodge of Massachusetts.
House of the Good Samaritan.
Massachusetts Association of the New Jerusalem Church.
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Massachusetts Medical Society.
Massachusetts Society for the Prevention of Cruelty to Animals.
Massachusetts State Library.
Master Builders Association of Boston.
Military Order of the Loyal Legion.
Museum of Fine Arts.
New England Historic Genealogical Society.
Old South Association.
Perkins Institute and Massachusetts School for the Blind.
South End Dispensary and Hospital.
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Brookline.
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Class of 1867, Harvard University.
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Lexington.
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Lowell.
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Medford.
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Tufts College.
Nantucket.
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Newton.
City of.
Peabody.
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Salem.
Essex Institute
Somerville.
The Somerville Journal.
South Hadley.
Mt. Holyoke College.
Sutton.
Town of.
Waltham.
City of.
Williamstown.
Williams College.
Woburn.
City of.
Worcester.
American Antiquarian Society.
Clark University.
Worcester County Musical Association.
MICHIGAN.
Ann Arbor.
University of Michigan.
MINNESOTA.
St. Paul.
Minnesota Historical Society
MISSISSIPPI.
University.
Mississippi Historical Society.
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NEW HAMPSHIRE.
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Hanover.
Dartmouth College.
Manchester.
Manchester Historic Association.
NEW JERSEY.
Society of the Cincinnati.
Hackensack.
Bergen County Historical Society.
NEW YORK.
State of.
Buffalo.
Buffalo Historical Society.
Ithaca.
Cornell University Library.
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American Geographical Society.
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Columbia University.
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Commission on Archives of the General Convention.
National Association for the Advancement of Colored People.
New England Society in the City of New York.
New York Bible and Common Prayer Book Society.
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NORTH CAROLINA.
State of.
Chapel Hill.
North Carolina Historical Society.
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North Carolina Historical Commission.
State Library.
NORTH DAKOTA.
Bismarck.
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OHIO.
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OHIO — *Continued.*
Oberlin.
Oberlin College.
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American Philosophical Society.
Indian Rights Association.
New England Society of Pennsylvania.
Pennsylvania Historical Society.
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The Philadelphia Museums.
Swedish Colonial Society.
Union League of Philadelphia.
RHODE ISLAND.
State of.
Newport.
Newport Historical Society.
Providence.
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SOUTH CAROLINA.
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Rock Hill.
Winthrop Normal and Industrial College.
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Mount Vernon.
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Virginia Historical Society.
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The State Historical Society of Wisconsin.
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FRANCE.
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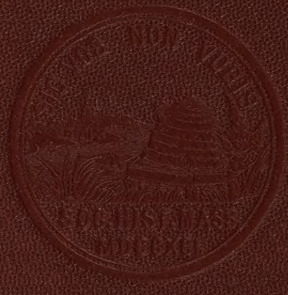
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